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CALENDAR
OF
STATE PAPERS
COLONIAL SERIES
AMERICA AND WEST INDIES
1722—1723

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PREFACE.

1722, 1723.

§ I.

GENERAL.

Failure of
Jacobite
Conspiracy.

The failure of the Jacobite Conspiracy, announced by George I at the opening of the new Parliament in 1722, called forth addresses of congratulation to the King from most of the Colonies. (417, 417 i, 453 v, 497 i, 606 i, 793 iv, *etc.*)

One of the most interesting episodes of the year was the Duke of Montagu's Expedition to settle Sta. Lucia and St. Vincent, and its repulse by the French (*v* § iii).

French
Intrigues,
and
depredations
by
privateers.

Evidence of intrigues with the Indians by the French in Canada, to which the outbreak of "Ralé's War" was ascribed, was placed in the hands of the Secretary of State (73, 73 i, 152). There were also complaints of depredations on British vessels by French privateers from Martinique. These were forwarded to the Minister at Paris, with instructions to obtain from that Court redress for such "violent and inhuman proceedings," and orders to French Governors to prevent similar violations of the treaties in future. (610).

Trade with
French
Plantations,

On the other hand a brisk trade between Ireland, New England and the French Plantations was reported by Capt. Brand, R.N. The Board of Trade called Lord Carteret's attention to "this pernicious trade" as being highly detrimental to the British Sugar Islands. Such trade, however, was not prohibited by any of the Acts of Trade and Navigation. The Board of Trade, therefore, could only recommend that a proper remedy should "be thought of to prevent this growing evil," and that in the meantime orders should be sent to the Lord Lieutenant of Ireland and the Governor of New England to do their best to discourage its progress. (255 i, 262).

And from
Holland.

It was also suggested that to prevent cargoes being shipped from Holland in Dutch vessels for the British Plantations, an Act should be passed requiring all cargoes for that destination to be loaded in Great Britain. (422).

Conference
with Indians.

Further reference to the War with the Eastern Indians will be made in § ii. But here it may be noted that one result of it was that, at the instance of the Governor of New England, the Governor of New York at a Conference with the Five Nations induced them to agree to intervene. This Conference was held at Albany in August—September, 1722, partly as the outcome of Lt. Governor Spotswood's endeavour to renew the "Covenant Chain" between the Five Nations and Virginia, in order to put a stop to Indian hostilities on his frontiers, and partly on the occasion of a dispute concerning the murder of an Indian in Pennsylvania. The Lt. Governors of Virginia and of Pennsylvania as well as the Governor of New York and New Jersey attended the Conference (349, 349 i—iii). The Council of New York was determined that all negotiations with the Five Nations must be conducted under the direction of their Government. Spotswood had had to assent to this procedure, and had submitted his proposals for their approval. The Massachusetts Government refused to do so, and caused trouble by endeavouring to treat with the Five Nations on their own account. Governor Burnet, however, managed to arrange with the Five Nations the terms desired by the Massachusetts Government for their interposition in the War, and to induce the Council of New York to overlook the interference of their neighbours (349, 550, 551 iv, 791); whilst Spotswood, having at last persuaded the Assembly of Virginia to agree to his embassy, came to Albany in response to the demand of the Five Nations that the Covenant Chain should be renewed there—or in other words, as Burnet explains, that some person of distinction should come from Virginia "to give them a fine present to refresh their memories." The Pennsylvanian affair was also settled. Most important was the general effect of this meeting of Governors upon the Indians. The effect of a Congress of Governors acting in harmony was to impress the

Effect of
united action
upon the
Indians.

Indians with the strength and unity of the British Colonies in America, and would, Burnet hoped, lead to unity of policy in the management of the Indians. Hitherto, being accustomed "to observe that the Provinces acted upon separate interests," they had been led to think the French more powerful than the British, and therefore to waver in their allegiance (349, 349 i-iii). The Board of Trade drove home the argument that unity is strength by expressing the hope that all Governors would on all occasions "endeavour to convince as well the Indians as their European neighbours, that they have but one King to obey and one common interest to pursue." (641).

Cuming's
scheme for
the Defence
of the
Plantations
and a Civil
List.

Imposition
of Stamp Tax
Excise
duties, and
quitrents
proposed.

It was in connection with the Indian War and the need of protecting the frontier countries by royal troops, that Archibald Cumings, Collector of Customs at Boston, offered to unfold his scheme for the general defence of the Plantations and for providing a Civil List for the support of all Governors and Crown officials, "without any charge to Great Britain" (189). On being encouraged to lose no time in submitting his plan to the Board of Trade (258), he explained that his idea was to obtain a sum sufficient to provide a civil list and to maintain 5 or 6000 regular troops "for protection against French and Indians and raising of hemp," by extending the Stamp duties to the Plantations, taking off the drawbacks allowed upon foreign linens, calicoes, tea, coffee, paper, and fruits exported to the Plantations, laying on certain excise duties, and collecting a quit-rent on all unimproved lands. The last device, besides raising some 20,000*l.* annually, would have the additional advantage of forcing into the market, for the benefit of small settlers, the vast tracts of undeveloped lands held by rich men, "which is a great grievance in the Plantations." Cumings calculated that Stamp duties would yield about 30,000*l.* annually, Proclamation money, and did not think that it would be regarded as a hardship in the Plantations, "being for their own security" (328, 328 i). Thus it will be seen that there was nothing new in Grenville's proposal for taxing the Colonies for their own defence by means of a Stamp duty ⁽¹⁾. What was new in 1765 was putting it into force.

(1) Cf. the proposal made by George Vaughan, Cal. St. Pap. Col. 1715, No. 389 i.

Report by
Lord
Carteret's
agent.

Demand for
Independ-
ence.

Lord Carteret, as Secretary of State for the Southern Provinces, appears to have sent an agent of his own to New England "to discover all things new and strange in H.M. Plantations." The shrewd and caustic report sent home by the agent, Thomas Moore, on the state of affairs in Massachusetts and Nova Scotia, is of great interest. He criticises the industries, the financial position, and the political outlook of the New Englanders as well as their harsh treatment of the Indians. He reiterates the point that treasonable speeches were "the common dialect of the country," and that, whilst the King and his Councillors were being deluded "with sham addresses pretending loyalty," it was openly and generally proclaimed that the Colony would insist upon its absolute independence; that the King had no right or business in the country, but that it would be content to retain him as a nominal or titular King. He adds, significantly, that "those who think to suppress all this by soldiers sent among them are all wrong, as being an expensive and ineffectual remedy," and offered his own plan for plugging the many leaks sprung in the ship of Government. This plan was, in some points, similar to that of Mr. Cumings (530). It will be seen from this and other reports already calendared in former volumes, that the state of opinion so long represented as having been produced by the action of the British Government forty years later was, in fact, strongly developed in Massachusetts in 1722. Moore also notices the prevalence of the legal profession and legal bent of mind "in this litigious province," and the added irritant of Colonial indebtedness, which probably exercised some influence in the events of 1765. The state of opinion, in fact, so far as Massachusetts was concerned, was not far different now from that which prevailed in the American Revolution. What was different was the presence at the earlier period of the danger from the French and Indians, the political and financial position of Great Britain, and the actions of the British Government as influenced by it (530). (1).

New
Instructions
to Governors.

The Legal Adviser of the Board of Trade, Mr. Fane, drew attention to the need of safeguarding the rights of individual

(1) Cf. Cambridge History of the British Empire I. pp. 643 ff.

Private Acts. subjects of the King in the matter of Colonial private acts. These he found to be sometimes grossly unjust. His warning was prompted by the consideration of some acts from New York submitted in the ordinary course for his opinion in the point of law (157). Presently, upon the occasion of a private act from Jamaica, the Board was instructed to consider whether it would not be advisable to extend to all Governors the instruction recently issued to the Governors of Jamaica, Barbados, the Leeward Islands and Bermuda, requiring a suspensory clause in private acts, which would prevent their taking effect until they had received the approbation of the Crown (421). An additional instruction to Governors on the Continent was thereupon drawn up and approved, requiring not only a suspensory clause of this kind in private acts, but also that three weeks public notice of the introduction of such acts in the Assemblies should first be given in the churches of the parishes concerned (490, 490 i, 618, 656).

Acts of
Trade and
Navigation.

Governors were also again instructed to observe the Acts of Trade and Navigation, especially in relation to the East India trade. These instructions Connecticut and Rhode Island were also ordered to observe, whilst it was also ordered that the Governors of those Colonies should be required to enter into bonds for their observance, as had been directed in the time of Lord Bellomont. Against this order Rhode Island petitioned as being an infringement of its Charter. The Council of Trade was therefore instructed to report "what powers are reserved to the Crown in the Charter of Rhode Island, and how far the Governors have acted agreeable thereto" (102, 111, 115 i, 124-124 i, 138, 164-166, 666, 666 i).

Objection to
Transportation of
Convicts.

In Virginia, as in Jamaica, attempts were made by the Colonists to protect themselves against the undesirable results of the recent Act of Parliament for the transportation of felons to the Plantations. But the Government contractor for transporting convicts complained that an act passed in Virginia would have the effect of nullifying the act of Parliament. Mr. Fane agreed that, if the example of Virginia were

followed in the other Colonies, it would render the act of Parliament a dead letter. The act of Virginia *for amending the act concerning servants and slaves* was therefore repealed. (613, 616, 629, 636, 698).

Paper
Currency.

The effects of Paper currencies in New York, Massachusetts, Rhode Island and Carolina are described in § ii. But mention must be made here of the memorandum by Sir William Keith on the whole subject, in which he urges the need and advantages for Colonial trade of "a due proportion of paper credit" (786).

Rice and
Enumerated
commodities.

When consulted upon applications from Carolina for the removal of rice from the list of enumerated commodities, the Board of Trade referred the Treasury (307, 307 i, ii, 325, 422) to the recommendation upon this point made in their General Report of 1721 (Cal. Col. St. Pap. 1720-1721, p. 428).

Royalties
on Mines.

Recent discoveries of mines in the Northern Plantations raised the question of liability to royalties in the minds of prospectors and speculators. It was reported that London and Bristol companies were hoping to acquire a monopoly of mines, whilst in Pennsylvania discoveries of silver mines were being concealed for fear lest the royalties required from them would absorb all their profits. A pronouncement on the subject was invited in order to quiet these doubts (146, 149, 151).

New Act for
encouraging
Naval Stores.

A new Act *for further encouraging the importation of Naval Stores from the Plantations* was now before Parliament. A scheme for promoting the growth of hemp and flax was propounded, whilst requests for the continuation and enlargement of the bounties came from South Carolina (2, 9, 33, 422). When the bill was in Committee, Henry Newman, as agent for New Hampshire, protested against a clause which would enlarge the jurisdiction of the Admiralty Courts. He alleged that this "would open a wide door to many arbitrary proceedings and malicious prosecutions." On the other hand, he asserted that there was a general desire to preserve white pine trees really

fit for use in the Royal Navy. But objection was taken by the inhabitants of New Hampshire to their being prevented from converting into lumber multitudes of trees which would never be of any service to the Crown (4). The passing of the Act prompted the Council of Trade to urge once more that, in order to put the new regulations into force as well as to prevent the waste of trees fit for the use of the Navy, the Surveyor General of the Crown Woods in America must be a person who knew his business and should be compelled to prosecute it on the spot (133, 134).

Pirates.
Blanco.

Pirates had a bad season. Augustino Blanco, a Spanish pirate, a "barbarous fellow," who had long been the terror of the Bahama Islands, plundered Cat Island and got away. But returning once too often, one of his sloops was caught and forced ashore. Blanco himself escaped in a boat made out of the wreck of his other sloop. Some of the captured pirates were hanged (284, 455, 455 i-iii, xi).

Captain Finn
hanged at
Antigua.

The Commanders of the Station ships in the Leeward Islands, H.M.S. *Winchelsea* and *Hector*, being active in hunting down pirates, succeeded in capturing Captain Finn and some others at Tobago. Whilst most of the men were ashore, the rest had run away with the pirate ship the *Good Fortune*. Finn had been in this brigantine for three years, and had been "an associate of the infamous (Bartholomew) Roberts the Pyrate." Together with five of his company he was "executed at high water mark in the town of St. John's in Antegoa," and was "hung up in chains on Rat Island" in the harbour (576).

Question of
Pardon.

The ships' companies, who had run away with the *Good Fortune* and *Morning Star*, petitioned for the King's pardon on the grounds that they had been forced by Roberts to join him. The brutal methods by which such men were forced to turn pirates are described in 754 iii, iv. This petition was supported by the West India merchants and Insurance Companies, whom the Council of Trade was directed to consult. The Board therefore reported in their favour. At the same time they recommended that in future Proclamations promising

pardon to pirates who should surrender by a particular date, Governors should be forbidden to seize goods in their possession. It was thought that this provision would encourage pirates to surrender, without prejudice to recovery by due course of law on the part of persons who had been robbed. The Law Officers of the Crown were invited to give their opinion on this proposal (333, 333 i, 370, 376, 411, 464).

Low
Captured.

On the New York station Captain Solgard, R.N., engaged two pirate sloops commanded by Captain Low, capturing one and shattering the other. These pirates were reported to have been remarkably cruel and to have done vast damage in the West Indies (606). A couple of pirates were hanged at Bermuda (634).

Pirates
hanged
at Bermuda.

The Post
in North
America.

John Hamilton, who had held a patent as Post Master in North America since 1707, represented that, owing to the decay of trade and the carrying of letters by ships' captains, contrary to the Act of Parliament, the Post Office in America had failed to defray expenses. He now approached the Postmasters General with terms for a new contract (30).

The Popple
Dynasty.

In April, 1722, the Council of Trade was informed by the Secretary of State that William Popple had resigned, and that his son Alured had been appointed to succeed him as Secretary to the Board at his request. Thus the Popple dynasty was continued into the third generation (107). The Board protested. They evidently wished, but could not claim the right, to appoint or nominate their Secretary. For their predecessors had accepted the appointment of William Popple by the then Secretary of State. He, however, was well qualified by long service and experience. But in the present case the Popple heir was the youngest clerk but one in the Office. The first clerk was Bryan Wheelock, who, as Deputy Secretary, had frequently acted in William Popple's place, and had the strong claims of seniority, experience and his proved devotion to the Protestant Succession, for which he had suffered when the Jacobite *coup d' état* was being prepared in the last year of Queen Anne's reign. Lord Carteret was therefore begged to

Appointment
of Alured
Popple.

Alured
Popple
Agent for
Barbados.

rescind the appointment of Alured Popple, and to name Bryan Wheelock in his stead (108, 109). Carteret merely repeated the order appointing Alured in the room of his father, who had died a few days after his resignation (137). It is noticeable that in the preceding February Alured Popple had been chosen by the Assembly of Barbados as one of the agents of that Island, a position obviously incompatible with that of a Clerk, and much more of a Secretary of the Council of Trade and Plantations (43).

New Rooms
for the
Office
ordered.

Office
removed.

History of
the old Office
Buildings.

A warrant had now been passed for erecting the much desired new rooms over the Office of the Commissioners. They asked for despatch in the building of them, representing that they lacked space for conducting their business and keeping their books and papers, "nor in the condition the roof is now, shall we be able to meet in wet weather" (Aug. 1722). However, in the following February the Surveyor reported that the whole house was in too rotten a condition to carry a new storey without rebuilding. The next entry on the subject indicates that the Office had been moved. The old quarters of the Board were assigned to the Bishop of London, "in lieu of his lodgings at St. James's" (246, 449, 706). This early home of the Colonial Office and the Board of Trade, near the Cockpit in the Palace of Whitehall, overlooked Stanhope House, afterwards called Dorset House, which was leased to Viscount Stanhope by the Treasury in 1717, was purchased after his death by the Duke of Dorset, and forms part of the existing facade of the Treasury Buildings.⁽¹⁾ In 1725 the Duke petitioned for, and was granted a new lease in order to obtain control over "certain lodgings occupied by the Archbishop of Canterbury and the Bishop of London," which overlooked the garden and were intermixed with parts of the house which had formerly belonged to Lord Stanhope (706).

Maps.

In response to the invitation of the Board of Trade, we have mention of several maps and charts made of the Plantations—Nova Scotia, the Bahamas, Barbados, and New York (5, 6, 57 i, 68, 606, 793).

(1) Old Royal Palace of Whitehall, E. Sheppard D.D., *pp.* 162-4.

Governors'
Handwriting.

The script of some Governors occasionally presents difficulties to the Editor. It is comforting to find that it sometimes did so to the recipients. Lord Carteret, whilst recognising that Governor Burnet, in writing despatches in his own hand, intended it as a mark of respect, found it difficult to decipher the names of persons mentioned by him, and politely requested that his letters should be written "a little more in an official way" (145). Lt. Governor Hope, from Bermuda, was apologising about the same time for his letters to the Board of Trade not being written in his own hand. It was not from laziness, he said, frankly owning that "it is not in my power to writ correctly and without interlineing" (79).

§ II.

THE AMERICAN COLONIES.

North
Carolina.

On the death of Charles Eden, the Lords Proprietors of North Carolina appointed Captain George Burrington to succeed him as Lt. Governor (447). When he had given security for his observing the Acts of Trade and Navigation and not trading as a merchant himself (472, 472 i, 516), the appointment was approved by the Crown, and Burrington received the usual Commission and Instructions (553, 553 i, 570, 571, 597). Among the special Instructions given to him by the Lords Proprietors were directions for taking steps for the recovery of quit-rents and other arrears, and for the sinking the "great quantities of paper money" (571).

Captain
Burrington's
Appoint-
ment.

South
Carolina.

Towards the close of 1723 the Lords Proprietors of South Carolina presented a memorial to the Secretary of State, Robert Walpole (in Lord Carteret's absence at Hanover), bringing charges of arbitrary conduct against Governor Nicholson, demanding his recall, and requesting permission once more to resume their right of appointing a Governor themselves. Their charges against Nicholson included, besides his treatment of the Council and Assembly and Col. Rhett, those of opening correspondence, and permitting new issues of paper money

Protest
against
Paper Issues.

Acts
Repealed.

Governor
Nicholson's
replies.

amounting to 57,000*l.* As to the issues and re-issues of paper currency, and failure to fulfil acts and orders for sinking the old bills, memorials were presented by the traders of the Province. They emphasised the point that such extension of paper currency, unsupported by a sinking fund, must have the inevitable result, if not the intention, of defrauding British creditors. They also drew attention to the action of the Assembly in arresting (30) business men who had ventured to make a representation to the Governor, Council and Assembly against a new act for printing 120,000*l.* more (539, 564, 661). The Council and Assembly defended their action in this matter, and begged for the rescinding of the order repealing the acts for re-issuing the expired bills (722, 752). For, at the instance of the Council of Trade (663), the Lords Justices repealed the acts *for raising* 17,248*l.*, and *for re-printing the current paper bills and printing an additional* 40,000*l.* (694). They also wrote to Governor Nicholson forbidding him to give his assent to any act for increasing paper credit or tampering with the sinking funds established by former acts, and requiring him to propose to the Assembly the settlement of effectual funds for discharging the additional bills of credit issued during his administration (695, 710).

Governor Nicholson made fierce replies to his critics and detractors, Richard Shelton, Secretary of the Lords Proprietors, Samuel Buck of the Bahama Company, the merchants at home, and the opposition in Carolina (687, 743). In one curious passage the old campaigner narrates a story of the Emperor of Morocco (773). He sent in accounts of old bills which had been destroyed (687, 725 x, xi), but for some time adopted the plan of referring the Council of Trade to his reports sent home by William Hammerton and the two Agents, Francis Yonge and John Lloyd (3, 13, 32, 51, 129, 130 i, 626). The Board presently took objection to this method and asked for more detailed despatches (652, 724). Nicholson was now repeatedly applying for leave of absence in order that he might come home and clear himself of the charges levelled against him. Peace and quietness, he represented, reigned in the Province, and the trade prospects were good (540, 541, 626, 724, 726, 743, 744).

Charleston
Act repealed.

Another act which aroused much opposition and was repealed was an Act *for the better government of Charles Town*. This act, said to have been passed without the knowledge or consent of the majority of the inhabitants, nominated a Mayor and Corporation for life, with sole power of making such laws as they saw fit, thus constituting, as the Legal Adviser of the Council of Trade remarked, "the completest oligarchy that ever was seen." This Corporation had already begun to act in an arbitrary and oppressive fashion (413, 544-561). The Act was defended by the Carolina Agent, Francis Yonge (562), but was repealed in accordance with the advice of the Council of Trade (563, 591, 617). Nicholson gave his version of the opposition to this act (687). But it was upon Colonel Rhett that the full vials of his wrath were poured. He wrote in no measured terms of the Lords Proprietors' Receiver General and Surveyor of Customs, whose letters he was charged with having intercepted (317, 431 i, 579). Nicholson represented him as having given out that he was about to succeed him as Governor, and as doing his utmost, with his few followers, to create disturbances. Rhett, he declared, was notorious for his dealings with pirates and clandestine trade, and in this connection it was he who was responsible for the condemnation of the sloop *Recovery*, of which the Bahama Company complained (317, 431 i-xv, 579). The Governor added a hint as to the ill effects of his close connection with Nicholas Trott (15). The latter had already written to Lord Carteret, hoping that the Lords Proprietors would appoint a Governor of their own, asking to be continued as Chief Justice, and complaining that Nicholson had appointed, on behalf of the Crown, a Receiver of fines and forfeitures rightfully belonging to the Proprietors (15, 119, 427 i-xx). Rhett's son drew attention to an Act laying a duty of 5 p. c. on British manufactures and differentiating in favour of the inhabitants, as well as to several other acts of "more dangerous consequence," to which Nicholson had given his consent. (434 i). On Colonel Rhett's death, Nicholson recommended an investigation of his accounts, and demanded a hearing of the charges he had made, as involving his own honour, and that of the Judges and juries of Carolina (454, 494).

Governor
Nicholson
and Colonel
Rhett.

Spanish protests against Forts on the Altamaha.

Progress was made with the building of the Fort at the mouth of the Altamaha, "at the Pallachocolas" as Nicholson describes it (130 i, 724, 725 v, vi), "in the Tanioia and the mouth of the Talage," as the Spanish Governor of Florida says. For, at his instigation, the Spanish Minister in London lodged a protest against the erection of a fort alleged to be within the territory of Spain, and demanded its demolition (305, 379, 427 xxi, xxii, xxix). The Council of Trade replied in general terms, affirming that the fort was being built on territory undoubtedly British, and awaiting the production of any proof to the contrary by the Spaniards (393, 393 i).

Reply.

Conferences with Indians.

Conferences were held at the end of 1723 with the Cherokee, Chickesaw and Creek Indians, and regulations passed for controlling Indian traders. Complaints continued of the encouragement of hostile Indians by the French and Spaniards (724, 725 ii, iv, vi, viii, ix, xiii, xiv, 774, 774 v, vi).

Naval Stores.

Recognising that the "Navy is the Glory and Bulwark of the British Nation," the Carolinians prided themselves on having furnished for its use more pitch, tar and turpentine than any other of the Plantations. They asked that the bounties on Naval Stores should be continued and enlarged, and that rice should be removed from the list of enumerated commodities. (2, 307, 307 i, 422). Returns of rice exported are given (374, 380). Nicholson reported that the crop was good (726). He also expressed fears of what New England exports of iron might lead to (724).

Rice.

Proposal for Swiss Settlement.

A proposal for purchasing land from the Lords Proprietors for the establishment of a Swiss Colony came from a Company in Berne (378, 378 i).

Connecticut and Rhode Island Boundary disputes.

In Jan., 1722, the Agents for Rhode Island complained of encroachments by Connecticut and petitioned for a confirmation of their boundary in accordance with the report of 1664 (21 i). Mr. Dummer, as Agent for Connecticut, replied (21 ii). They were invited to lay their cases in writing before the Council of Trade (70). The Connecticut claim to the Government of the

Narragansett country was presented by Dummer in June (173), and that of Rhode Island by the Agents in October (315, 315 i). After hearing the evidence of both parties (435-443, 468), the Council of Trade summarised the position, and proposed to solve that problem and at the same time get rid of the Charter Governments by the ingenuous suggestion that both Colonies should submit themselves to the immediate government of the Crown and be annexed to the small and loyal Colony of New Hampshire (477, 477 i). Needless to say, when enquiry was made as to their willingness to do so (649), the answer was in the negative (735, 736). The Boundary dispute between Connecticut and New York (424, 711, 713) is referred to below (*v.* New York).

Bonds
required
from
Governors.

The Order requiring bonds from the Governors of these Colonies for the observance of the Acts of Trade and Navigation, and its sequel are referred to in § I. *p.* 7.

Admiralty
Jurisdiction.

Controversy had arisen between the Governments of New England and Rhode Island over Admiralty perquisites and jurisdiction. It was decided in favour of the New England Court. By an Order in Council, the Governor and Council of Rhode Island were directed to deliver into the custody of the Judge of the Vice-Admiralty Court of New England the proceeds of the sale of the ship and cargo run by Benjamin Norton into Tarpaulin Cove, and were warned to obey the decrees of that Court, and not to assume to themselves any right of Admiralty jurisdiction (100, 201, 217, 235, 274). An order to the same effect was conveyed to the Governor and Company by the King's Sign Manual (300).

Paper issue
in Rhode
Island.

Attention was called to a new issue of 40,000*l.* in paper bills, making 80,000*l.* in all current in Rhode Island, and causing a great rise in the price of produce (59, 59 i).

Massachu-
setts Bay.
The War
with the
Abenakis.

In March, 1722, the Governor of Massachusetts Bay and New Hampshire reported outrages by the Indians on the Eastern frontier. He expected war to break out in the summer. He sent home authentic letters from the Governor and Intendant

Incitement
by the
French and
other causes.

of Canada to the Missionary, Père Ralé, plainly encouraging the Indians to drive the English out of the Eastern settlements and promising them ammunition and supplies (73, 73 i, ii, 805, 805 viii). The lands which the French thus encouraged the Indians to claim were, Governor Shute explained, those which the English had occupied and built forts upon on the strength of purchases, for which they could produce good deeds, and which had been confirmed at several Conferences with the Indians (73, 73 iii). The object of the French, it was intimated, was to settle the Eastern parts themselves (68 i, 322, 791, 805). In June came news of a raid by Indians on the Eastern frontier by Kennebec River (184, 189), and an advance upon Fort George on St. George's River (205 iv) by the Indians on the coast. In July, the inhabitants of Brunswick, close at hand, were surprised by great numbers of Indians (604). In a letter to Governor Shute, the Marquis de Vaudreuil openly declared "that he has and will assist the Indians, and that he has orders from the Court of France to do so." On July 25th, Shute declared war against the Eastern Indians (242, 242 i, 805, 805 viii).

In the war which was thus begun with the Abenakis, or Eastern Indians, on the North Eastern frontier of New England, the stake at issue was plainly supremacy in eastern and central Maine, and the protection of the settlements fringing the coast of Maine and New Hampshire (322). It is known as Ralé's war. For among the Jesuit Missionaries who exercised most influence with the Eastern Indians amongst whom they were stationed, and applied it, in concert with the Government of Canada, to binding them to alliance with the French and inciting them to hostilities against the British, three were conspicuous; Père Ralé and Père Le Chasse in charge of the mission at Norridgewock on Kennebec River (805 xi), and Père Lauverjot at Panawamske on the Penobscot. Part of the plunder taken by the Indians from a sloop seized by them at Penobscot was used to adorn the altars of the French Missionaries who shared in it (205 iii, iv). The advance of British settlers along the banks of the Kennebec River had brought them into contact with Ralé's mission station at Norridgewock. It was

easy for that political priest to raise the fears and resentment of the Abnakis to fever heat. For although by a series of treaties the Indians had been brought to acknowledge the right of British settlers to resume the occupation of the settlements which they had abandoned during the French wars, they saw with alarm the vast spaces which they had been accustomed to regard as their own hunting grounds being gradually occupied. They resented the intrusion, and were encouraged by the French to claim all and more than they were entitled to, and to disregard the grants and surrenders of lands which they themselves, knowingly or unknowingly, had agreed to alienate to the New England Council or private traders. They were supported in this course by the claims advanced by the French, on their own account or on behalf of the Indians, to the territory east of Pemaquid. The French claim was based on the limitation which they were endeavouring to impose upon the extent of territory ceded by them under the Treaty of Utrecht. They had undertaken to surrender Acadia. But the old boundaries of Acadia they now attempted to confine so as to cut off a great part of Nova Scotia.⁽¹⁾

Council and
Representa-
tives of the
Massachu-
setts Bay.

Complaints against such proceedings by the French were communicated to Ministers (40, 242, 251), and, later, an address dated December, 1723, in which the Lt. Governor, Council and Representatives of the Massachusetts Bay, laid the case against the Governor of Canada before the King (805, 805 i-xi). Among the documents enclosed with this Address is a curious "relation" by Alexander Hamilton of his experiences at Quebec and elsewhere, as one of those prisoners taken by the Indians and detained by Vaudreuil (805 i, 538).

The French, however, were not the sole originators of Indian discontent. Apart from the causes described, there are many hints that ill-treatment by traders and the colonists who were re-occupying the abandoned settlements contributed to it.

Expedition
sent to the
frontier.

When hostilities had been begun by an attack upon Arrowsick Island (Georgetown), (805, 805 i, iii, iv) the attempt upon Fort George and the partial destruction of Brunswick, the Massachu-

(1) Cf. Cal. St. Pap. Col. 1720-1721, p. xxxi.

Help sought
from Rhode
Island,
Connecticut,
&c.

The Five
Nations.

Massachu-
setts Bay
Assembly.

setts Government despatched expeditions to the frontier. One advanced up the Penobscot River, others along the Kennebec, where, at Norridgewock, the French mission stations were destroyed (805 xi). Massachusetts also sought help from without. The Representatives recommended that Commissioners should be sent to ask for aid from Rhode Island and Connecticut. Steps were also taken to secure the intervention of the Five (now Seven) Nations. (*v.* § 1). In October, Governor Shute reported some successes, and also that some delegates from the Five Nations had gone to the Eastern Indians to enquire why they had maltreated their English brethren (322, 349). In the following year Governor Burnet announced from New York that as the result of a treaty negotiated by him the Five Nations had declared war against the Abenakis (349, 550, 551 iv, 791).

The Indian War gave the Assembly an opportunity of furthering their attempt to acquire the powers of the Executive, and to establish complete control over the expenditure of money voted by them. Full use was made of this opportunity. A clause was added to a vote for supply in November 1721,⁽¹⁾ limiting the expenditure of the sums granted to the purpose specified, and to no other uses whatsoever. The Council objected to this clause as a pernicious innovation, which would render it powerless to spend a penny without the consent of the Assembly. But the Representatives clung to the advantage offered of providing men and money for the Indian war. They insisted on the clause, specified the uses to which the money voted should be applied, and, with the object of preventing any interference, adopted the device of making grants in the form of resolves of the House. They further extended their powers by asserting control over the pay and dispatch of the troops. Their demand that the garrison at Northfield should be withdrawn, was vetoed in Council; but a Committee of the two Houses drew up a plan of campaign for the war, which included details not only as to the pay and provisioning of the troops, but also as to their disposition on the frontier (August, 1722). Shute protested that the sole command of all forces was vested in the Governor. But he was obliged to agree to

(1) Journal of the House of Representatives.

use this power by issuing orders in conformity with the plan of campaign drawn up by the two Houses. Even the supervision of scouts and commanders on the frontiers passed into the hands of the General Court, through regulations drawn up by them and put into execution by the Governor at their request. Their claim to control the conduct of the war was taken a step further when (Aug., 1722) the House demanded the suspension of an officer—Major Samuel Moody—against whom complaints had been made. When Shute expressed surprise that such a demand should be made before the officer had been heard in his defence, the Assembly suspended Moody's pay until he should have answered the charges brought against him. A few months later (Nov., 1722) an attempt was made to call another officer to account. Colonel Shadrach Walton was in command of troops destined, by the plan of campaign drawn up by both Houses, for an expedition to Penobscot. But when the Indians attacked Arrowsick Island, these troops were detained in the neighbourhood for the protection of the inhabitants. The Lower House asked that all orders relating to this change of plans, issued by him or the Council, should be laid before it. Shute explained why the Penobscot plan had been changed. But the House demanded that the Governor should order Walton to appear before it, and give his reasons for disobeying his orders. Shute still endeavoured to conciliate the House. Though he ignored their last demand, he did summon Walton to Boston to report to himself as Captain General. Walton came, and refused to comply when the Assembly endeavoured to make him report to them first. Baffled in this direction, the Assembly tried to obtain the appointment of a joint Committee of both Houses to sit during the recess of the General Court and direct military operations. The Council rejected this proposal as wholly inconsistent with the Charter. But the power of the moneybags gave victory to the Assembly. After Shute had gone to England, the threat of withdrawing supplies for the Government and the pay of officers to whom they took objection, compelled the Lieut. Governor, William Dummer, to supercede Colonel Walton and Major Moody. Meanwhile, the dispute between the two Houses as to the right to control appropriations was

carried on with unceasing liveliness. When the Council proposed amendments to a vote of supply in June, 1723, the Representatives proposed to refer the votes and amendments to the towns, together with "articles of grievances" criticising the action of Governor and Council in sanctioning expenditure during the past year. After prolonged altercations, an appropriation act was passed, which, if it did not embrace all the restrictions on expenditure desired by the Assembly, did yet contain several restrictive clauses. The Council successfully opposed further attempts to prevent any payments being made by the Council unless first sanctioned and audited by the Lower House. But even so, the Representatives succeeded so far in a struggle similar to that being waged in New York, that they stripped the Executive of much of its control over expenditure, and the Captain General of his power of directing the war (683 i, 704; and *Journal of House of Representatives*).

In the meantime, Shute had gone home on leave (Dec. 1722). He thought the time had come when the British Government must be left in no doubt as to the impasse which had been reached. All his attempts at conciliation and compromise had failed. The encroachments on the prerogative of the Crown by the Assembly, under the guidance of Elisha Cooke, were steady, deliberate, unyielding. Reference has been made in § I to the report by Lord Carteret's roving Agent, James Moore, as to the temper of the people (530). The recent dispute between the Governor and Assembly as to the right to nominate an Attorney General was a case in point. When Shute received the opinion of the Law Officer of the Crown on that subject (153, 252, 263), he warned the Council of Trade that it was not likely to weigh with the Representatives, for "the people here pay little or no deference to any opinion or orders that I receive" from the Ministry at Home (322). The Governor, in fact, was powerless to make further effective resistance. The choice was now between intervention by the Imperial Parliament, or eventual concession of the self-government which was being aimed at.

Shute stated his case in a memorial in which the whole conduct of the Assembly was recounted and criticised (683 i). He

attributed it in part to the fact that the Assembly was not truly representative. The generality of the people were loyal, he declared, but the richest and wisest inhabitants were excluded from the Assembly. The weak point in the Massachusetts Bay Constitution was mercilessly exposed. The balance of power tipped so heavily in favour of the Legislative Assembly, that the Executive was almost powerless, whilst the Assembly was fixedly determined to assume to itself much of the power which constitutionally belonged to the Executive. So the Council of Trade interpreted the facts set out in Shute's memorial. The intervention of Parliament was called for without loss of time, to restrain the Colony within due bounds of obedience to the Crown (704).

Report on
and Reply
to the
Memorial.

But so few years after the '15, Ministers were not in a position to take strong measures. They protested and threatened, as we shall see, and, vowing they would ne'er consent to the encroachments of the Assembly on the Prerogative and its refusal to pay the salaries of Governors or officers appointed by the Crown, in the end consented. In answer to Shute's Memorial, Anthony Anderson and Elisha Cooke had been appointed to assist Dummer in presenting the case of Council and Assembly. Memorials were drawn up by each House (399, 400, 434, 701, 705), and the case was discussed before the Committee of Privy Council (*see* A.P.C. II. *pp.* 92-104).

Report upon
Assessment
Act.

Upon a petition on behalf of some Quakers who had been imprisoned for not making assessments as ordered by two recent Acts of 1722, and 1723, the Council of Trade reported upon the first in accordance with the opinion of their Legal Adviser that there was no objection to it in point of law. The second act had not yet reached the Office. The first act, *for apportioning and assessing a tax of 6232l. 13s. 11d.*, could not be said to exceed the power of raising taxes granted by the Charter. But the votes of the Assembly made it evident that the intention of the Act of 1723 was to raise money for the salaries of two orthodox Ministers. By "orthodox" they meant Presbyterian, and the Board of Trade pointed out that whilst by the Charter the foundation of the Colony "was laid in an absolute and free

liberty of conscience for all Christian inhabitants there, except Papists," the Presbyterians, having absolutely the ascendancy in the Assembly, had assumed the authority of an established Church, and were trying to compel the Quakers, even in the towns of Dartmouth and Tiverton where they were infinitely in a majority, to pay a large maintenance to Presbyterian Ministers, for the service of some few Presbyterian families only. (734, 747, 782, 798).

Paper
Currency.

The discount on the paper bills of the Colony continued to increase. But Shute echoed the hope of the Board of Trade that the new Act *for the encouragement of the importation of Naval Stores* would, by improving the export trade, help to raise the value of the paper currency (263, 322, 530).

New
Hampshire.
Paper issue
and
Indian War.

A further small issue of paper money was rendered necessary in New Hampshire by the cost of the Indian War described above. With its frontier so close to the Indian outposts, the Colony objected to sending troops away to co-operate with the troops of Massachusetts. For its share in the war we must turn to the Sessional papers (*N.H. Prov. Pap. IV*).

Boundaries.

Mention has been made of the proposal to annex Rhode Island and Connecticut to New Hampshire. The Colony invited the decision of the Council of Trade upon the boundary in dispute with the Massachusetts Bay, undertaking to abide by it. The increase of settlers on either side of the line was rendering a settlement of the question daily more imperative (282).

Assembly
and Triennial
Act.

The Assembly in 1722 asked to be dissolved and demanded a Triennial act. Shute replied that the request for a dissolution was unprecedented, but none the less granted it in June. The new House, in the autumn of 1723, passed the Triennial act on which it had set its heart, and hoped for its confirmation by the Crown, although Great Britain had adopted a septennial term for Parliament.

Powder duty
and Stores
of War.

Shute received further enlightenment as to the validity of the Powder Act of 1702. The Additional Instruction of 1717

relating to British trade and shipping, he was informed, was not retrospective. The powder duty therefore, the collection of which he had suspended, ought still to be collected under the old act (39 i, 48). Meantime the country was short of powder and other stores of war. The Council of War supported the application of the Province for a grant of such stores, emphasising the importance of Fort William and Mary, and the impoverishment of the inhabitants owing to the Indian war etc. (39 i, 347 i, 685, 685 i, 719 i, ii, 795).

Naval Stores
and
Shipments to
Spain.

The Council of Trade requested Shute to enquire into shipments of masts and timber to Spain, in which five members of the Council were said to be interested (356, 703, 806, 806 i). Charges of encouraging this trade, as well as of extortion, neglect and connivance in the destruction of H.M. woods were levelled against Burniston's Deputy, Robert Armstrong, who was both Collector of Customs and Deputy Surveyor of the Woods. He was said to be a notorious Irish Jacobite and thoroughly disaffected to the Government (132, 329, 340, 340 i, 344-346, 350). On his departure, Lt. Governor Wentworth filled his office as Deputy Surveyor and asked to be continued in it (685, 806, 806 i, ii).

A Naval
Stores
Company.

Wentworth announced that he and his friends were promoting a Company for the production of Naval Stores, for which he solicited the support of the Board of Trade (806).

New Jersey.
Acts
repealed.

Three Acts of New Jersey were repealed at the beginning of 1722. Two of these, *for shortening law-suits* and *for recording deeds*, Governor Burnet and ex-Governor Hunter agreed with the Judges were calculated to destroy the jurisdiction of the Supreme Courts (7). The third, *enforcing the ordinance for establishing fees*, had been chiefly directed against a former Secretary, but its whole effect would be to ruin the holders of Patent Offices appointed by the Crown (7, 25, 56). George Willocks and his party, however, returned to the charge with a bill making a further attack upon the Secretary's Office, and other bills designed to encroach upon the Prerogative. Burnet thereupon examined Willocks in Council, and suspended a

The
Secretary's
Office.

Revenue
Acts.

Councillor who presumed to defend "this Jacobite plot" (154, 154 i, iii). The disturbing influence of this "Cabal of wicked people" having thus been removed, the majority of the Assembly expressed their relief at the rejection of their factious bills, and pushed home the defeat of the Jacobite party by passing acts for the security of the Government, and its support for five years (154, 154 ii, 309).

Paper
Currency.

Burnet's action in defence of the Secretary's Office was approved (641. *Cf.* Cal. State Pap. Col. 1720-1. *p.* xxvi). At the end of 1723 he obtained a further Act increasing the revenue for ten years. This act was the result of the strong desire of the Assembly for further issues of paper money. For the Governor was only empowered to give his assent to such issues if made for the support of the Government. Burnet explained the need of a paper currency in New Jersey, and was able to point to the great success which had attended the issues in New York, where the bills were practically at par with pieces of eight (792).

The
Constitution
of Assembly.

The Attorney General gave his opinion in favour of the power of the Crown to alter by means of an Instruction to the Governor the method of election and qualification of electors of the Assembly in the manner proposed by Burnet (182, 712).

Claims to
Mines.

Doubt as to the claim of the Proprietors to all mines and the right of the Crown in them were reported to be causing prospectors for gold and silver mines, at a time when there was a great "humour to run a mine-hunting," to conceal their discoveries. At Burnet's suggestion the Law Officers of the Crown were invited to give their opinion (429 ii, 432). Their view is given (770).

New York.

Burnet found himself on good terms with the Assembly which met at New York in June, 1722. "Convinced of His Excellency's endeavours for the public welfare," they promised to make good the deficiency in the Revenue, which had failed to come up to the estimates in the Act *for the support of Government* (183, 183 i, ii). They refused, however, to vote

2 per cent.
Act.

Other Acts
transmitted.

Acts to
prevent
French trade
with Indians.

The Seventh
Nation.

Frontier
Forts.

Reply to
request for
Stores of
War, etc.

more than 320*l.* for the repair of the forts on the frontier, unless the Act *laying a duty of 2 p.c. on European goods imported* were confirmed (385, 605, 792). Burnet fearing that the opposition to it by the merchants at home would prove successful had advised them to devise some substitute for that tax (183 i, ii). The Council of Trade, however, whilst recording their aversion from any act laying an imposition on British trade and shipping, had already recommended the confirmation of this small tax owing to the peculiar circumstances attending it (170, 171, 178, 551, 552, 605, 672). Burnet also transmitted, with comments, a large number of other acts (385, 792). Among them was an Act for a further issue of bills of credit to supply the deficiency of the Revenue (792). Burnet reported that the Acts intended to prevent supplying the French with goods for their trade with the Indians had proved entirely successful, after an additional Act had been passed laying a severe penalty on such traders in an unusual form. Both he and the Legal Adviser of the Board of Trade commented on the clause which empowered certain persons to require suspected traders with the French to declare their innocence upon oath (385, 761, 605, 606, 792). However, Burnet represented that these measures had achieved their object by bringing in the Far Indians to trade at Albany. Incidentally, it had induced the Missillimakenac Indians to come there, and they had then been incorporated with the Five Nations and Tuscaroras, thus making Seven Nations of Indians. (References to the Conferences with the Indians and their part in the Abenaki War are made in § I).

Burnet adds that the Indian acts had been rendered more effective by the small party of English traders he had established among the Senecas, in whose country he hoped to build a fort (605, 605 iii, 606, 792). The Council of Trade expressed approval of these measures, but warned Burnet that in all such cases the consent of the Indians ought first to be obtained (171). They supported his application for two additional Independent Companies to act as garrison of the frontier forts, and for a grant of stores of war (28, 50). But the Board of Ordnance reported that Parliament had never voted money for this purpose, holding that the Colonies were able and ought to supply

themselves. A large sum was owing to the Board for stores supplied on the Royal warrants, which had never been repaid (112 i, ii). The Council of Trade was therefore obliged to advise Governor Burnet that there was little prospect of stores of war being sent, "the Province being already so much indebted to the Board of Ordnance." Nor were two Additional Companies likely to be ordered to New York, "the pressure of ye Govt. at home being at present pretty great." (171).

Dispute with
Auditor
General.

Horace Walpole, the Auditor General of the Plantations, replied to the representation in which the Assembly had justified their Treasurer for refusing to account with his Deputy. (*v. Cal. State Pap. Col. 1720-1, p. xxxi*). Walpole, laying "a naked state" of their proceedings before the Lords Commissioners of the Treasury, left it to them to judge whether their complaint as to the burden of his fees had not been "cooked up" merely as a device for preventing his Deputy from auditing and inspecting their accounts. (113). The Lords Commissioners thereupon wrote strongly to Burnet, stating their opinion that the behaviour of the Treasurer was unwarrantable, and that the excuse of the Auditor's fees was without foundation, since the expense of management of the Revenue remained the same under the Assembly's Treasurer as it had been under the Crown Officers. The Treasurer's own evidence, in fact, and the Journals of the Assembly showed plainly enough that the object of the Assembly in dispossessing the Receiver and nominating an officer of their own, was to obtain entire control of the revenues raised for the support of the civil Government. With that object they had forbidden their Treasurer to render any account to the Auditor appointed by the Crown. Burnet was therefore instructed to see that the accounts of these revenues should be rendered to the Auditor or his deputy, and that 5 p.c. on the amount thereof be paid to him, together with the arrears due. The Lords Commissioners concluded that the Assembly having no other power relating to the disposition and management of the Revenue than to view and examine the accounts, its proceedings had constituted a very great invasion of the Royal prerogative, which "may tend to their making themselves independent of the Crown of Great Britain."

Instructions
by the
Treasury.

Burnet was therefore to use his utmost endeavours to have all the Revenues returned into the hands of the officers appointed by the King. (119).

The
Treasurer's
Accounts.

Abraham De Peyster, the Treasurer, having become "quite distracted" (183, 524) had been succeeded by his son in the preceding June. He was required to give security in 5000*l.* to perform his duties to the satisfaction of the Assembly, although no such security had been demanded from his father. The Governor had refused his consent to a bill passed by the Assembly for *discharging the late Treasurer from further demands*, and suits were now commenced against the De Peyster estate with the object of forcing the rendering of accounts (113, 119). The Assembly then resolved that, as the late Treasurer's accounts had passed an audit of both Houses, they might be submitted to a Crown official, but that he should receive no fees for auditing them, and that the Treasurer's family should not be liable for any expense in connection with it. George Clarke, Walpole's Deputy, insisted on his rights and advised Burnet to dissolve the Assembly. This Burnet refused to do, as he was anxious to obtain a settlement of the Revenue. At length the Assembly yielded to pressure, and agreed to the annual auditing of the revenue by the Deputy Receiver and the payment of the 5 per cent. fee to him. The Act *for raising 5350 ounces of plate* for defraying the deficiency of the revenue provided for the payment of the Auditor's arrears since 1715. (792).

The
Assembly
yields.

Council of
Trade on
quit-rents.

Commenting upon the bill *for facilitating the partition of lands in joint tenancy*, the Council of Trade and Plantations deduced from Mr. Burnet's remarks and Cadwallader Colden's memorials that the intention of the Assembly was to defraud the Crown of great tracts of land in the interests of holders of extravagant and illegal grants. They reviewed the situation with regard to quit-rents, and approved his conclusion that, since eight such patents were paying only some 17*l.* pounds a year, whereas a quit-rent of 2*s.* 6*d.* per hundred acres would be yielding over 4000*l.*, a Revenue could be derived from quit-rents sufficient to defray the whole expenses of the civil Govern-

ment without inflicting any hardship or injustice on any person. Many of these grants had been improperly obtained from the Five Nations ; much of them lay undeveloped, to the prejudice of willing and industrious settlers. But little was to be hoped from the Colonial Courts of Law, since the juries were likely to consist of interested persons. They recommended therefore that the Governor should be directed by a Royal Instruction to endeavour to obtain from the Council and Assembly an act for resuming all those extravagant grants of land which had not been included in the act passed under Lord Bellomont's administration. They suggested that a promise should be given to the Council and Assembly that particular cases would subsequently receive the consideration of the Crown, and at the same time a warning that, if they refused or delayed to pass such an act, recourse would be had to Parliament to rectify the injustice of "such unreasonable frauds and encroachments." For the future the Instruction as to surveying and registering grants of land must be observed, and it was desirable that the Crown Surveyor should be empowered by Parliament to survey all grants held from the Crown. (171, 303 i, 304).

Settlement
of the
Palatine
Refugees.

John Conrad Weiser, the deputy of the Palatine Refugees, petitioned for a testimonial for his services, which he was given, and protested against Jeremy Lange acting as an Agent of the Palatines without authority (8, 71, 148, 517). The case and grievances of the Palatines, particularly against Governor Hunter, having been presented (268 i), Weiser petitioned for an Order for their settlement on lands at the disposal of the Crown (657). The Council of Trade replied that their troubles were due to the "very turbulent and untractable temper" of some of them, but that the Governor had recently reported that a satisfactory settlement was being arranged (673). Burnet, in fact, had arranged with some of the Palatines to purchase land on Canada Creek and settle there. Others he found as difficult as Hunter had done, but he hoped that he had managed them successfully and that they would settle down peacefully on the tract of land he had recently obtained from the Indians

for that purpose. For the most part, he said, they were a laborious and honest people, but headstrong and ignorant, and easily led by the designing ones amongst them (349).

Census. A census was taken in 1723. It showed 34,393 white inhabitants, and 6,171 negroes and slaves (792 i).

Colden's Report and Map. Burnet sent home a map of the Province drawn by Dr. Colden, the Surveyor General, and also his reports upon the climate, trade and produce, compiled at the Governor's request (605 i, ii, 606, 793).

Boundary with Connecticut. The Board of Trade was urged to report upon the Act of 1719 *for running a division line between Connecticut and New York* (424). After consulting with the Agents they recommended that it be confirmed (711, 713). This was before they had received Burnet's letter, in which he charged Connecticut with manœuvring to delay the fixing of the line and endeavouring by its Act of 1723 *for completing the line of division* to throw over the agreement of 1683 and draw the boundary in its own favour (711, 711 i-iii).

Nova Scotia. Further accounts came to hand of the attack by French and Indians upon the Canso Fishery in Aug., 1720, and the measures taken to protect it. (*v. Cal. Sta. P. 1720-1, p. xxxv*). Two companies had been brought there from Placentia by Governor Philipps. Unfortunately all their provisions and clothing were lost on the voyage. Under the energetic direction of Lt. Col. Armstrong Canso was made safe for the time being, a rough fort having been constructed by subscription amongst the inhabitants and traders. (5, 147 i-iii, 234 x, 254, 530). On receiving these reports, the Board of Trade again represented to Lord Carteret the need of erecting forts on the coast of Nova Scotia, and especially at Canso (156, 172). Whilst this representation was being made a new and more serious outbreak of hostilities occurred in connection with "Ralé's War" described above (*v. under Massachusetts*). In June, 1722, the Indians on the coast made a sudden and unprovoked attack upon the shipping in the Bay of Fundy and the harbours. They

Attack on
Canso in
1720, by
French and
Indians.

Renewed
hostilities
June, 1722.

Ralé's
War.

Threat to
Canso.
Indians
defeated at
sea.

Petition of
inhabitants.

Measures
urged by
Board of
Trade.

Cruiser
ordered.

plundered several vessels trading to Annapolis Royal, murdering some of the crews, and were only prevented from attacking the Fort there by the prompt action of Lt. Governor Doucett, who seized a score of Indians and held them as hostages. Doucett suggested that this attack was part of a plan for putting a monopoly of the trade into the hands of the French at Cape Breton and St. John's Island. All were agreed that the Indians had been incited by the French Governors and Missionaries, and supplied with ammunition and necessities by the French. The altar of the priest at Minis was decorated with part of the plunder. As for the French inhabitants, they excused themselves for not resisting such outrages by the Indians by alledging, as before, that they were afraid of their turning upon them (205 i-iv, 209, 209 i-iv, 288). The Indians proceeded to cruize upon the Banks in the vessels they had captured, with intent to raid the fishing fleet from Canso and to attack that place. Governor Philipps, who was then at Canso, thereupon armed and manned two sloops, which successfully engaged the Indians and re-captured nearly all the sloops they had taken. Some of their prisoners they had murdered in cold blood (254 i, 288, 810). Philipps and Armstrong then returned to England to lay the state of affairs before the Government (147 i, 253, 254, 288). Finding themselves thus apparently left to their own resources, the planters and fishermen of Canso made a last appeal for support from Home. After six years of toil they had cleared sufficient land for curing 40,000 quintals of fish, all of which and more would easily be caught in this promising fishery. But it was fast declining ; many had already deserted the settlement ; and when the ships left in the winter, taking with them the guns they sent ashore during their stay, the prospect of having their throats cut by pirates and Indians would compel the rest to leave, unless the long-expected garrison, ordnance and man of war arrived to protect them (54, 254, 254 i, 667). Once more the Board of Trade urged Carteret to take prompt and strong measures for protecting the infant Colony and compelling the French inhabitants who refused to take the oath of allegiance to evacuate the Province (301). In the spring a ship was ordered to be detached from the Newfoundland

convoy to cruise between Canso and Cape Sables for the protection of the Fishery (478, 480).

Renewed
applications
for
settlement
of Province.

Towards the end of 1723 Governor Philipps—against whom Lord Carteret's Agent levelled charges of extortion (530)—again entered a memorial upon the state of Nova Scotia, together with his suggestions as to measures which required to be taken, in the hope that provision for the security and settlement of the Province might be made in the forthcoming session of Parliament. The Board of Trade recommended this memorial to the notice of Mr. Secretary Walpole (766, 766 i, 796).

Officers'
petition for
grants of
land.

Col. Vetch and other officers who had taken part in the Expedition under General Nicholson continued to press their claims to a grant of land. When they had reduced the amount of land they had asked for, whilst undertaking to settle 400 families on it within three years, the Board of Trade reported favourably on their petition, with a reservation as to the conditions which would have to be imposed (104, 686, 699, 708, 709). They had already proposed that, as their former representations as to the Surveyor General's neglect to perform his duty had had no effect, Governor Philipps should be empowered to set apart the 200,000 acres of forest trees to be reserved for the Royal Navy, in order that he might thereafter make grants of land for settlement. As for the suggestion that Canso should be declared a free port, they thought it inadvisable. For though it might bring some settlers, that advantage would be outweighed by the share it might give strangers in the Fishery (134, 172).

Representa-
tion by
Board of
Trade.

Capt.
Southack's
Map.

Capt. Southack describes a map, sent by him to the Board, in which he has drawn "the line according to the Article of Peace," and on which the Charter Colonies are distinguished "by several collers of paint" (5, 68).

Pennsylvania.
Trade and
Paper
Currency.

In Dec., 1722, Sir William Keith, Lt. Governor of Pennsylvania, surveyed the trade and produce of the Colony. Trade for the most part took the shape of "bread" and lumber exported to the West Indies in return for rum, sugar

and molasses. The balance from this trade was sent to England in specie and bills of exchange to pay for clothing apparel and luxuries. Hence arose a demand for paper currency for internal circulation among the farmers and traders. Keith, instancing the success of the New York issues, argued in favour of this demand, which was shared by the Assembly (390, 786. Cf. Pa. Col. Rec. III. 173). There was some opposition on the part of traders and merchants who insisted upon small issues and proper provision for redeeming them. An Act for printing 15,000*l.* in bills was passed in March, 1723, and another for 30,000*l.* in the autumn (762, 762 i).

Conference
with Indians.

Reference to Sir W. Keith's Conference with the Indians at Albany is made in § I.

The
Delaware
Islands.

The right of the Crown to the islands in Delaware River having been affirmed, the Council of Trade had recommended Capt. Gookin's petition for a grant of some of them. (Cal. Sta. Pap. 1720-1. *p.* xl.) The Committee of the Privy Council now invited them to report how far they had been improved, and whether it was advisable to continue the persons who had improved them in possession on payment of a quit-rent, or whether the Crown should make new grants of them, the grantees paying compensation for improvements. The Earl of Clarendon was an applicant for such a grant. The Committee further suggested that the Government of the Islands should be assigned to New Jersey (140, 179, 403).

Virginia.
Transported
Rebels and
Convicts.

After taking the opinion of the Attorney General, Lord Carteret approved Lt. Governor Spotswood's view as to the length of time the transported rebels were bound to serve in Virginia (58, 58 i). Later, an Act *for the better government of convicts* was repealed, on the grounds that it would nullify the Acts of Parliament for their transportation (613, 616, 629, 637, 698).

Spotswood
and the
Assembly.

Having waited in vain for decisions upon the Quit-rent act and act for the crection of two new Counties, Spotswood summoned an Assembly to meet in the spring of 1722. Their

Spotswood
and Indian
Conference.

He is
superceded

by Hugh
Drysdale.

Negro
Conspiracy.

Act directing
trial of
Slaves, etc.

Quit-rents
and the
Two new
Counties.

relations were now harmonious. Spotswood could congratulate himself that the testimonials of the Council and Assembly to the success of his whole administration proved that the attack made upon him by the Assembly in 1718 was the outcome of a personal vendetta. The revenue showed a large balance, even after paying for the erection of batteries, with guns and stores of war, to guard the mouths of the great rivers. The sea frontier being thus made safe from pirates, Spotswood was free to set out for Albany, hoping to conclude a treaty with the Five (Seven) Nations, which would render the land frontiers safe for settlers (175, 175 i-iv). For raids across the frontier arising out of feuds between the Seven Nations and the Catawbias and other Southern tribes had led to conversations with New York. Restrictions were imposed, prohibiting the Seven Nations and the Virginian Tributary Indians from passing to the East of the Blue Ridge or South of the Potomac without permits from the respective Governments. Spotswood had at last obtained the full support of the Council and Assembly for his Indian policy (175). But he had already been superceded (91). When he returned, in October, with his Treaty from the Conference at Albany (*v. § I and Nos. 349, 349 i-iii, 738, 738 i*), a new Lt. Governor, Hugh Drysdale, was already in possession at Williamsburgh (392). Drysdale, on his arrival in Sept. 1722, had found the country quiet, although a plot for a rising of negroes had recently been discovered and suppressed. This conspiracy gave occasion for some acts designed to prevent a recurrence of such risings, and to secure the punishment of ringleaders. Some of the latter could not be convicted for lack of evidence, the only persons privy to the plot being negroes, and they not being capable of bearing witness. One act was therefore passed for transporting such ringleaders, and another enabling negroes in the future to give evidence against those of their own condition and colour (392, 529, 529 i., *pp. 297, 298*). Drysdale reported that the country was chiefly concerned with the exemption of the two new Counties from quit-rents *etc.* Intending settlers were holding their hand until a decision was announced (392, 392 ii). After consultation with the Treasury, remission of quit-rents and purchase of rights was at length granted for two years (479, 590, 674). The act *for the better*

Act for
better
securing
quit-rents
repealed.

discovery and securing of quit-rents was repealed on the strength of objections raised by the Auditor General, but the Council of Trade suggested the passing of another act not liable to the same objections (581, 590, 653, 697).

Tobacco and
other acts.

Drysdale reported that he was maintaining harmonious relations with the Council and Assembly. Several acts which he had recommended were passed (529, 529 i). Trade was bad, owing to the low price of tobacco. An attempt was made to improve the price by a new act for raising the staple of tobacco (529 i, 625). Among other acts were new militia and defence acts, an act for payment of the Assembly's salaries, and one laying duties on liquors and slaves imported, the latter tax being reduced to 40s. per head. This act was passed with a suspensory clause (392, 625).

It was vehemently opposed by the Royal African Company and Bristol merchants. Some of the arguments used by them are noteworthy. Experience, it was said, proved that such duties had to be borne by the importers, and therefore constituted a tax upon British trade and shipping imposed by Colonies which owed their very existence to the Fleet and power of Great Britain (700, 714, 753, 776). So far as Virginia was concerned, it was partly a device on the part of rich planters, already well supplied with negroes, to prevent others obtaining slaves and entering into competition with their tobacco plantations, and partly a means of making good a fund into which the Assemblymen had broken in order to pay their salaries (714, 777, 781, 797).

Revenue.

In spite of poor trade, however, and the expense of completing the batteries and repairing the Governor's House, the Revenue of 2s. per hogshead still showed a balance sufficient for defraying Government expenses for 1723, and the quit-rents a substantial sum in hand, even after a Treasury payment of 5491*l.* to Lord Belhaven (392, 625, 625 iii, iv).

Boundary
with
N. Carolina.

Governor Drysdale asked for a definition of the boundary with North Carolina agreed upon in 1715, since its unsettled state was leading to disputes among both white inhabitants and Indians (625).

The
Lighthouse
on
Cape Henry.

Some of the merchants concerned, and masters of ships in the Virginian trade having declared that a lighthouse on Cape Henry would be useless, the project was dropped (197, 216, 230, 244, 590, 738).

Ironworks.

Drysdale called attention to the success with which Col. Spotswood's ironworks were being developed (529).

§ III.

THE WEST INDIES.

The Bahama
Islands.

In spite of sickness among the soldiers, Governor Phenney reported steady progress in the building of the Fort and Church at Nassau, of which he sent home drafts as well as a map and description of the Islands (6, 284, 394, 452, 452 iv, vi, 455, 455 vii, 677, 677 iv, v, 678, 803, 803 ii, iv). There is more local colour in another account of the islands by an ex-member of Council, who attributed such sickness as there was to the lax ways of the inhabitants (127). But the Palatine immigrants, whom he considers "an indolent laizy tribe," Governor Phenney presently describes as being in a flourishing condition, and very industrious (127, 803).

Palatine
Immigrants.

Demand for
Assembly.

A member of the Council was suspended on the charge of being a Jacobite (45 ii), whilst the demand for an Assembly increased. It was needed particularly to vote funds for the fortifications and expenses of the administration (127). In the absence of any power to raise a revenue, the Governor continued a duty upon imports of rum and tonnage of foreign trading vessels (284). But the total revenue for the last half of 1723 only amounted to 946 pieces of eight (801 ii). The exasperation with the conduct of the Bahama Company's Factors, whose high-handed actions were becoming intolerable, and the unsettled state of affairs as regards grants of land and quit-rents, which was driving settlers away from the islands, rendered the demand for an Assembly more insistent. The Council pressed for it. And though it was reported that the Company was opposed to it, they did presently support it. (45, 208, 208 i-xx, 453 i, iv, 455, 579 i, 803). The Council of

Trade was ordered to consider the advisability of granting an Assembly, and being inclined to report favourably, instructed Governor Phenney to draw up an electoral scheme. This he submitted at the end of 1723 (118, 612, 801).

Spaniards
plunder
Cat Island,
Capture of
pirates.

Reference has been made in § I to the plundering of Cat Island by Spanish pirates and the capture and trial of some of them (284, 394, 455, 455, 455 i-iii, xi, 817). Proceedings were also taken against some persons suspected of trafficking with pirates (677).

Mrs.
Phenney.

Women of masculine energy and dominating character were not unknown in the West Indies at a time when the rule of Sarah, Duchess of Marlborough, was a lively memory at home. The careers of Anne Bonny and Mary Reid, the two female pirates of Providence Island, had recently been brought to an end in Jamaica (*v. Cal. Sta. Pap. Col.* 1720-1. *p.* 335). Similar masculine qualities were exhibited by Mrs. Phenney, the Governor's wife. Her business capacity and fluent tongue seem to have established something in the nature of a reign of terror in the West Indies. She went home in 1723, partly as the emissary of her husband, who wished for the safe custody of some official papers to be laid before Lord Carteret, and partly to further her own business projects. She was hoping to obtain leave to trade with the Spaniards on the coast and to conduct salvage operations on the wrecks in the Gulf of Florida. Touching at Bermuda on her way, she apparently gave Lt. Governor Hope a taste of her quality. For he wrote to warn his patron; "I wish to God she were gone from hence. But the Lord have mercy o' your Lordship if she getts access." Thus warned, Carteret was spared an encounter (453 ii, 507, 803). Was it the dread of her presence which stimulated him to write at this juncture commending Phenney's services and giving hope that something would be done when Parliament met? (521).

The Bahama Company repeated their request for a Charter of Incorporation and assistance. Alternatively, they asked that the Islands should be resumed by the Crown, after

paying them compensation. The expense to which they had been put was so great, and the returns from trade and rights were so small, that they were no longer able to carry on (122, 579 i, 737).

Replies to
Queries.

Governor Phenney's replies to the questionnaire of the Board of Trade indicate a movement of settlers from Bermuda to the Bahama Islands with the intention of manufacturing palmetto platt and building vessels there (801 iii). One enterprising person—apparently the ex-Councillor Mr. Carrington—contemplated importing fallow deer from S. Carolina to breed in Hog Island (207).

Fallow deer
from
S. Carolina.

Barbados.
Cox.

Lord Belhaven, the new Governor of Barbados, having been lost at sea on his way out, the administration of the President, Samuel Cox, received a new lease of life. Further reports of his "tyranny and oppression," as the Council of Barbados described it, induced the Board of Trade to renew their advice that speedy steps should be taken to put an end to a situation which had brought the King's business to a standstill. They urged that the new Governor, Henry Worsley, should hurry to his post (18, 106. Cf. Cal. State Pap. 1720-1. p. xlvii-li). The Duke of Portland, touching at Barbados on his voyage to take up the administration of Jamaica, reported that his arrival was awaited with a general impatience, and that the Barbadians were anxious to put an end to the factions and animosities from which the island had so long been suffering. Incidentally, he mentions the "surprizing agreeableness in which that beautyfull Island presented itself to my view" (396, 487). Cox, in fact, was again busy dismissing officers, removing the Chief Baron, and suspending Councillors (42, 121, 121 i). Worsley was instructed to enquire into the charges against Cox, and to make his report to the Privy Council, giving such orders in the mean time as he should judge necessary for the peace and good government of the island (257). After hearing both sides, he pronounced Cox guilty of arbitrary and corrupt conduct, and not only suspended him from the Council but also declared him incapable of ever again holding office as Councillor. This was done in order to quiet apprehensions

Worsley
dismisses
Cox.

lest, on the Governor's absence or death, he should again resume the Presidency. Worsley also reinstated some of the Justices of the Peace whom Cox had dismissed, and removed those he had put in (648, 648 i-iii).

Bernard
Cook's
Charges
investigated.

Charges brought by Bernard Cook against Governor Lowther and certain Justices of the Peace were investigated by the Committee of the Privy Council for hearing appeals and complaints from the Plantations. No evidence being offered in support of the accusation against Lowther, it was dismissed. But the Justices were removed by Order in Council for illegal and arbitrary proceedings (27). Cook's case, and that against John Frere and other Councillors were also heard by Worsley in Barbados, and dismissed (754, 754 i, ii).

Report upon
Acts
required.

Governor Worsley was handed a list of acts, upon the usefulness of which he was to give his opinion. The Council of Trade being in some doubt about the objections made to them, had decided to let them "lie by probationary" until their effect was known (278, 278 i). But in the case of the Act concerning Public Notaries, notice was given that unless a new act was passed without the defects pointed out in the one before the Board, it would be repealed. (*pp.* 137, 138).

Worsley's
Instructions.

Worsley's Instructions contained a few alterations from those prepared for Lord Belhaven (114 i, ii, 247). Apart from some relating to bills of credit and the Bishop of London's ecclesiastical jurisdiction, which conformed with the revised instructions of the Governor of Jamaica and recent Orders in Council, they included the additional Instruction concerning Tobago, and a recommendation for re-enacting the law governing the sale of lands seized for debts.

Worsley's
reception.

Worsley arrived in Barbados in Jan., 1723. He received a warm welcome from the Council and Assembly, who assured the King that they intended to work with him for the peace and welfare of the Colony (486, 497 ii). He immediately reported that great abuses were being practised in trade, especially in illegal commerce with Martinique, which he took energetic measures to repress (486, 648, 679, 715, 715 i, ii.)

His salary.

By his instructions he, like the Governor of Jamaica and Lord Belhaven, had been empowered to receive from the first Assembly after his arrival an addition to his salary for the duration of his Government (114 i, 247. *Cf.* Cal. St. Pap. Col., 1720-1. p. 1). The object of this restriction was to prevent any improper bargain between Governors and Assemblies. It may be that Worsley's prompt measures against illegal trade led to something of the sort, or it may be that the Assembly was unduly generous owing to the relief that was felt at the prospect of a respite from internecine factions. Whatever the motive, they voted Worsley the enormous additional salary of 6000*l.* sterling per annum. This would be in addition to the Governor's fixed salary from home and his perquisites in the Island, amounting in all, it was computed, to 10,000*l.* sterling (486, 487, 823). Worsley considered that, considering the cost of living, and the state and hospitality expected from a Governor, this was not an extraordinary sum (498).

Yet in an Address to the King a few months before, praying that the 4½ per cent. export duty might be applied to the uses for which it was raised, it had been represented that the country was reduced to the lowest ebb, and was utterly unable to bear any new taxation (386). And though the Island was in debt to the tune of 40,000*l.* and the funds were urgently needed for repairing the fortifications (487), the Council of Trade raised no objection to this grant as being excessive. They submitted it however to the Law Officers of the Crown for their opinion in point of law, before proposing its confirmation (586, 640, 679, 693, 788). The Privy Council passed it with the proviso that if the tax imposed by the Act fell short of the sum granted, no other tax should be levied to make good the deficiency and that no responsibility for any deficiency should be incurred by the Crown (611).

Dispute with
Customs
House
Officers.

Some trouble arose between the Receiver and Auditor of the Revenue and the Customs House Officers over the disposal of condemned goods (463, 486, 498, 498 i-vii, 679).

An
Epidemic.

Barbados suffered from a severe epidemic in 1723, which also put the station ship out of action (648).

- Acts repealed. The acts against which the Rev. W. Gordon had protested were repealed (363).
- Importance of Chocolate. The importance of cacao as an item in the Island's economy is mentioned by Worsley. Barbados "can't live without chocolate" he wrote (648).
- Map. A subscription for printing a "new large and correct map" of Barbados, with a plan of Bridge Town and a prospect of Codrington College, was set on foot by William Mayo (57, 57 i, ii).
- Sta. Lucia and St. Vincent. The islands of Sta. Lucia and St. Vincent were included in the Commission of the Governor of Barbados. But no attempt had been made to settle them by the English, whilst the French had made several attempts to do so, and laid claim to them (126, 419, 419 i, 483, 820). The Duke of Montagu petitioned for a grant of the soil of the islands in Jan. 1722. He asked that he should himself be appointed Governor, undertaking to settle 500 people on Sta. Lucia within three years, and to settle St. Vincent within ten. The Council of Trade recommended the proposed grant under the rules and restrictions which had recently been laid down in the case of Tobago, except that in the present case the planting of sugar canes was not prohibited. Letters patent were issued in June, granting the Duke of Montagu the propriety and government of the two islands (10 i, 36 i, ii, 126, 820). The Governors of Barbados and the Leeward Islands were instructed to countenance and protect the settlers (311), and warships ordered to protect the Expedition and settlers (820). The Duke of Montagu issued a Declaration in August inviting emigrants and promising them grants of land and protection (266). The appointment of Nathaniel Uring as Lt. Governor was approved, and after he had given the usual security for the observance of the Acts of Trade and Navigation, he set sail with large stores of all kinds and ordnance and arms (232, 264, 266, 820). On Dec. 16th the Expedition, consisting of two ships and a sloop, with 180 emigrants on board, and escorted by H.M.S. *Winchelsea* reached Sta. Lucia and cast anchor in Pigeon Island Bay (419, 483, 820).
- Duke of Montagu's Grant and Expedition.

The Duke of Montagu names five ships and a sloop as forming the expedition, apart from the man of war. Of these one had gone ahead with stores, and two and yet another from Boston followed later (820).

On the following morning, Dec. 17th, having decided that Pigeon Island Bay was not a suitable site the expedition sailed a couple of leagues to Leeward down the coast and made a landing at Petit Carenage (Castries). There were found the remains of works begun by the Marshal d'Estrée's settlement, which had been abandoned at the instance of the British Government as recorded in previous volumes of this Calendar. These Uring proceeded to repair, with assistance from H.M.S. *Hector* and *Feversham*, the Barbados station ships, which arrived on the 22nd to give support to the settlement (419, 483, 820).

French
protest.

But before the Expedition had left the Thames, protest had been entered by the French Minister at London, stating the claim of the French King to Sta. Lucia, and asserting that St. Vincent ought to be left to the Caribs. The Privy Council, however, resolved that the Expedition should proceed, and that Mr. Daniel Pulteney should be sent to Paris, there to assert once more the title of the British Crown to these islands (208). Orders were promptly sent from Versailles (Sept. 21) to the Governor of Martinique, directing him to require Capt. Uring to abandon his settlement within fourteen days, and to compel him to do so by force of arms, if he should refuse to comply. A French sloop arriving from Martinique brought news of these orders to Capt. Orme, H.M.S. *Winchelsea*, on the 16th, whilst lying in Pigeon Island Bay (483).

On the 22nd, the same day as the station ships arrived from Barbados, a French sloop came in from Martinique with a letter from the French Governor-General calling upon Uring to quit the island within 14 days.

After receiving assurances from the Commanders of H.M. ships, that they would defend him if he was attacked, Uring decided to ignore the French summons, regarding it as merely

a stratagem to frighten him away. Hoisting the Union Jack at Petit Carenage he proceeded with the fortification of the north side of the harbour, whilst the men of war drew in to cover the approach to it by land. The French at once began to land men close by at Shock Bay (? *Anse du Choc*), under pretence of refitting whilst in search of pirates, whilst Capt. Orme endeavoured to prevent their communications with Martinique. It was ominous that some of the emigrants began to desert to the French. Then on 3rd Jan. came news that 15 sloops with 1500 men on board were ready to sail from Martinique. With this overwhelming force the Marquis de Champigny landed on the 6th, and marched through the woods upon Uring's little camp, and summoned the settlers to surrender. Uring had no choice but to capitulate, agreeing to evacuate the island within seven days. Apart from the number of the French, there was no fight in his own men. Some were sick, and others, who were indentured servants, were ready to desert in hopes of gaining their freedom. Moreover, the Naval Commanders had refused to land men as a reinforcement. On the 15th January, therefore, the little Colony reembarked, and sailed for Antigua, and St. Christopher. The Duke of Montagu being thus left with 500 emigrants to provide for, petitioned for a grant of lands in the former French part of St. Christopher, with the intention of settling them there (419, 419 i-vi, 483, 820, 821). Hart, the Governor of the Leeward Islands, from whose narrative the above account is partly drawn, gives his opinion that the failure of the Expedition was largely due "to the persons employed," who had no knowledge of the locality, nor the capacity for establishing a new Colony, and were quarrelling among themselves. If Uring had been supported by regular troops, instead of "raw, undisciplined and mutinous men," he thought that, with the aid of the men of war, he could have beaten off the French (419).

St. Vincent.

Before the French attack developed, a sloop had been sent (Dec. 25) from Sta. Lucia to St. Vincent, to offer privileges and protection to the natives if they would accept the Duke's Government. The reception of this embassy by the Caribs was by no means encouraging to the Colony at Sta. Lucia (483).

On leaving St. Lucia, Uring sent Lt. John Braithwaite as his Deputy in a sloop, with H.M.S. *Winchelsea*, to see whether it would be possible to make a settlement there. Their reception was distinctly hostile. Capt. Orme found the natives to be "so intimate and well-acquainted with the French that most of them speak that language." They had been warned that if they made any agreement with the English, the French would carry them off as captives to Martinique. He wisely concluded that it would be useless to attempt to colonise the island without securing the friendship of the inhabitants, and that would be difficult to do, whilst they were so much under French influence. He added, even if that impediment were removed, the island was scarcely worthy of a settlement, "there being no commodious harbours" (483, 820.)

Bermuda,
Act to supply
deficiency
of funds,

Confirmation of the Act of Bermuda *for supplying the deficiency of several funds etc.*, was solicited on behalf of the retiring Lt. Governor, Benjamin Bennett (35). Objection to it was raised by the Legal Adviser of the Board of Trade on the grounds that it imposed a 5 per cent. duty upon imported goods, which would chiefly affect British trade, and that for 21 years (47). Lt. Governor Hope, however, on his arrival in Bermuda in Feb., 1722, asked for its confirmation, as the only means of defraying the expenses of the administration (78, 79). The revenue was very small, and showed a deficit. The greater part of it had been spent in carrying on the law suit between Lt. Governor Bennett and the ex-Secretary, Edward Jones (470, 505, 513, 513 i-ix). The Council of Trade could not ignore the objections to the Act, but in order to avoid proposing its repeal, decided to let it lie by for a while, so that the Assembly might have an opportunity of raising money by some other less exceptional method (180). Hope then asked that the Act might be passed with an amendment continuing the 5 per cent. duty for three years instead of 21, whilst the Council and Assembly petitioned for its confirmation, the sum involved being only 200*l.* per annum, and the imposition being of great benefit to the island and in no way detrimental to the trade of Great Britain or the other Plantations. The people were very poor; and the country really produced nothing that would

bear being taxed (351, 353, 353 i, iii, 444, 470). The Council of Trade for these reasons fell in with Hope's suggestions and made a representation to that effect. But the British merchants persisted in their opposition to a tax which differentiated between inhabitants of Bermuda and other traders, and the Act was repealed outright, no notice being taken of the suggestion that it should be allowed to remain in force for three years only (593, 615, 620). The Council of Trade could only advise Hope to discover some other method of raising the necessary funds (621). On learning from the Board, that the Act had been repealed, Hope succeeded in obtaining a new act from the Assembly (621, 741).

But the first news of the repeal had been brought over by Jones, the re-hearing of whose case had resulted in a unanimous verdict in favour of ex-Lt. Governor Bennett (444, 505). Hope refused to take notice of a copy of the order repealing the act presented by Jones, and protested against such copies being given to private persons before Orders had been communicated to Governors (741).

Councillor
suspended.

The Council of Trade approved Hope's action in suspending a Councillor, who had overawed a Coroner and Jury at an inquest upon a murder committed by his son-in-law. Feeling ran high over this incident. For the victim was the gallant Capt. Landie who had fought and taken two Spanish privateers in one day (*v. C.S.P. 1720-21, No. 277 ii.*); and the murderer was no other than the pirate, John Lewis, who had robbed the Marquis of Navarres (*v. C.S.P. 1719-20, No. 499.*), and after surrendering upon the King's pardon, had "not belied his profession ever since" (85, 85 i, 86, 180). Lewis was tried and executed (204, 204 i, 635, 635 i).

Pirates
and the
inhabitants.

Two other pirates were tried and executed at Bermuda (444, 634). As a general rule, however, the inhabitants were on easy terms with the pirates; trading with them among the islands under pretence of salt-raking, and regarding piracy, according to Hope, as a crime of no more enormity than smuggling in England (444, 507, 603).

Hope's
letters.

A
Sportsman's
opportunities

The story of
Capt.
Pulleine
and the
South Sea.

Description
of the Island
and its trade,
etc.

Act for
lessening
number of
Assembly.

Assembly's
oath of
Secrecy.

Hope gives some lively accounts of the inhabitants and the social conditions prevailing in Bermuda at this time in letters to his patron, Lord Carteret, which contain more intimate details than the usual official correspondence. He notices that living is "tolerable and cheap," and provides diversions for a sportsman in the way of shooting and fishing. But, as he has come out to retrieve his broken fortunes, he adds hastily that he is too much of a man of business to give himself that latitude (603). However, in another refreshing passage he describes how he spends three or four hours each morning on horseback, watching the whale fishing from the top of the hills, and galloping in to the death (507). Another piece of curious gossip purports to reveal the origin of the South Sea enterprises. Capt. Pulleine's appointment to the Lt. Governorship is alleged to have been owed to a Journal of a Voyage in the South Seas which he palmed off on Lord Oxford as his own. According to this story it was really based on some papers left by Leak, the mate of a pirate ship, which Pulleine appropriated when cast away in Bermuda in 1717 (603). Hope also sent in a full description of the island, its produce, trade and inhabitants to the Board of Trade (353 ii). A great part of the able-bodied population was usually absent at sea. So much so, in fact, that on occasions of alarm very few of the thousand men enrolled in the Militia were available for defence (353 ii).

This was one of the reasons advanced by Hope for passing an act reducing the number of the members of Assembly to eighteen. It was difficult at present to get together the requisite number of men capable of understanding public business—especially in the afternoons! Furthermore, it would reduce both the cost of the Assembly, a heavy burden on the island, and the risk of religious differences between the Council and Assembly. The majority of the Assembly were Dissenters, of the Council, Churchmen (470, 505, 741). As to the oath of secrecy taken by the Assembly, to which Hope took exception, the Board of Trade held that, if established by long custom, it could only be altered by the Assembly's own wish. (353, 621).

Accounts
and Stores
of War.

Hope sent home some accounts of the Revenue, but found difficulty in obtaining them, owing to the incapacity of office-holders. There were disputes, too, of long standing between the Governor and Collector of Customs, as to who should receive the King's Thirds. (505, 505 i-ix, 506, 506 ii, 507, 513). Like most other Governors, Hope asked for a grant of stores of war. (513, 513 i, ii, 515). He drew attention to the constitution of the Court of Chancery, which consisted of the Governor and Council. But that was established by an Act which had received the Royal assent, and could therefore only be altered, as the Council of Trade reminded him, by the will of the Assembly, after leave had been obtained for repealing it (353, 621).

Court of
Chancery.

Jamaica.
Payment to
Lord A.
Hamilton
ordered.

The Assembly of Jamaica having refused, in spite of repeated commands, to sanction payment by the Receiver General of the money due to the late Governor, Lord Archibald Hamilton, and Members of the Council, orders were given by Royal Sign Manual for the immediate settlement of this debt with interest out of the Revenue. (26, 34, 81). The Assembly showed their annoyance by demanding the dismissal of the Attorney General, who had advised that payment (116). Lord Archibald, on the other hand, being now convinced that the *Nuestra Senora de Belen* had never been good prize, the return of that ship to the Spanish owners was ordered (222, 222 i, 223).

Assembly
dissolved.

Governor Sir Nicholas Lawes, after vainly endeavouring to strike a bargain with the Assembly over the re-imbursement of the Revenue, and finding them still recalcitrant, dissolved the House. He sent home, with his comments, the acts passed during the late session, and again recommended the passing of an Act by the Imperial Parliament for settling the Revenue, as the only way out of the impasse. There was no money in the Treasury, and his own salary was hopelessly in arrears (116).

The new
Assembly.

The new Assembly met in June. But in spite of their fair promises, Lawes was soon in despair of their making any provision for the payment of the Island's debts. He found himself in great difficulties, owing to lack of money or credit,

Acts passed.

and of instructions from Home. Even the parties sent out to suppress runaway and rebellious negroes were left without pay (215, 215 ii). A few months later, however, Lawes was able to report a change of tone in the Assembly. They passed several acts which he recommended, and even a bill for making the present Revenue perpetual. This was obviously inadequate and was probably mere window-dressing. Among the Acts passed were, besides the annual Deficiency bill, one laying a tax upon transported convicts, others for encouraging the settlement of the North East part of the Island and Pero Plantation at Port Morant, and one providing for the payment of official salaries, some money for the Treasury and some for the reception of the new Governor, the Duke of Portland. (382, 639, 646, *etc.*).

Duke of
Portland's
Instructions.

Revenue Act
and
Expiration of
Laws.

Meanwhile the time drew near when the Laws of the Island would expire. Before sailing, the Duke asked to be allowed to assure the people that it was intended to renew and confirm them (44 i, 215 ii). They were dependent upon the term of the Revenue Act passed in 1703 for twenty-one years, and would, therefore, expire in 1724. The Council of Trade raised the question whether two previous revenue acts, which were intended to be repealed by the Act of 1703, were in fact absolutely repealed, or only suspended for the period during which that temporary act was in force, so that they would be revived when it ceased (53, 62, 63, 66). The Law Officers of the Crown gave their opinion that the intention of the Act was to repeal the two former acts absolutely. But in a case of so much importance, they advised the passing of a new Revenue Act by the Assembly, to prevent difficulties that might arise (53, 62, 63, 66). On this, the Council of Trade represented, after reviewing the history of the case, that it would be advisable to instruct the new Governor to acquaint the Council and Assembly that His Majesty would be graciously pleased to continue their laws on condition that they granted a settled revenue, for perpetuity or at least twenty-one years, equal to the present expenses of the Government there. The importance of having their laws continued was, in fact, so great, that the Board was convinced it would prove a governing factor in

Duke of
Portland's
Instruction
on these.

persuading them to concede a settled and sufficient revenue (87, 87 i). Instructions to this effect were then given to the Duke of Portland (93, 97 ii). By subsequent instructions he was directed to submit details of the proposed revenue and of the expenses of the Establishment which it was intended to meet, and which was to form part of the Act, for the approbation of the Lords Commissioners of the Treasury (226, 233).

and on
alterations
in rates of
currency.

Merchants and planters concerned in the Jamaica trade having protested against recent attempts to raise the value of pieces of eight and their ruinous effect upon creditors, a process said to have been connived at by Sir Nicholas Lawes, the Duke of Portland was further instructed to see that any such alterations were remedied, since they were directly contrary to the Act of Parliament ascertaining the rates of foreign coins, and would be disastrous to the trade and credit of the island. Complaints from the same source of delays and irregularities in the Courts of Justice, calculated to prevent the recovery of debts, were also commended to the Duke's consideration (320, 320 i-iii).

High Wind
in Jamaica.

The Duke arrived in Jamaica (Dec. 22nd) to find the country in great distress. On Aug. 28, 1722, a terrible hurricane had struck the island, spreading such devastation that even four months later everything appeared to him "to bear one universal face of ruin and desolation." This high wind blew for 14 hours, and was thought by some to have been more violent than that of 1712. The loss of life was great; innumerable houses were blown down; half Port Royal was destroyed; and the damage to shipping and the plantations was enormous. Only the new line of fortifications saved Port Royal from complete destruction by the driven sea. The ships of the Royal Navy were alone able to ride out the storm, but lost all their masts. They rendered timely aid to the destitute and starving inhabitants who had survived. At St. Jago de la Vega the public buildings were much injured, but it was remarked that the houses built by the Spaniards sustained very little damage. At Old Harbour the houses and inhabitants were "all destroyed except two." Exposure to the cold and prodigious rains which followed caused

a subsequent outbreak of sickness. At Kingston, of "26 top-sail vessels and 10 sloops," only ten survived, and half this number was damaged beyond repair. One ship alone in a distant harbour was left fit to put to sea and carry the ill tidings to England (295, 295 i-v, 382, 396, 456, 778).

Measures
for relief.

The Assembly was summoned to deal with the emergency, and an annual fast was decreed to commemorate "that terrible day" (295, 382).

The appeal for aid which the Governor and Council addressed to the King, received a prompt and generous reply. His Majesty, "extremely touched with the losses which his subjects have sustained," dispatched a fifty gun ship laden with guns, arms and ammunition to replace the stores lost through the hurricane, and promised to do everything that could be reasonably expected for their support and relief. On his part, it was added, he looked for suitable returns of duty from them (295, 295 i, ii, 388, 397).

The Duke's
welcome.

In spite of the indescribably "miserable condition" in which he found the Island, the Duke of Portland was agreeably surprised by the warmth of the welcome accorded to him. But the complaints made by the merchants seemed to have been justified. For apart from the devastation wrought by the hurricane, the new Governor reported that he found public affairs and the administration of Justice much neglected and the Revenue in great disorder. He summoned the Assembly, and succeeded so far in establishing good relations with them, that they passed acts for settling the revenue, making the laws perpetual, and granting a salary to the Governor. They refused to insert a suspensory clause in these acts, but the Duke gave his assent to them all, ignoring his recent instructions for submitting the details of the Revenue to the Treasury. He explained that the Revenue provided was apparently ample, and that he could not risk waiting, lest so inconstant a people should change their mind, and also because they were in so distressed a state owing to the hurricane. He asked for the confirmation of these acts, though later on he admitted that he did not expect it

Revenue Act
and grant
of salary
passed.

Repeal of
Revenue
Acts of
1722.

and had so warned the Council (456, 457, 457 i, 778, 779). He failed to obtain the settlement of a salary on the Lt. Governor, Du Bourgay (456). No time was lost in obtaining the opinion of the Law Officers of the Crown upon these acts, and the Council of Trade recommended their rejection, not only on account of "matters of a very extraordinary nature in point of law," to which the Attorney and Solicitor General had objected, and of the absence of a suspensory clause, but also because the sum provided seemed likely to fall very far short of the necessary expenses of the Government (518, 533, 535-537, 542 i, ii, 582). The latter point was referred to the Treasury (596). A searching report by the Committee of the Privy Council, was followed by the repeal of the acts (664, 676). A letter under the Royal Sign manual to the Governor accompanied the Order of the Lords Justices repealing the acts. A copy of the Committee's report was enclosed and concern was expressed at his disobedience to his Instructions. Once more he was directed to obtain from the Council and Assembly a draft of an establishment covering the whole expenses of Government for the future, including the Governor's additional salary, and to submit it with the draft of an act providing a sufficient revenue to meet it, in order that they might be approved before the first of October, 1724—the day on which the laws would otherwise expire (582, 696). In the mean time the Council of Trade had been ordered to enquire and report upon the position in which Jamaica would find itself in such an eventuality (675).

In Oct. 1723, therefore, the Duke of Portland again recommended the settling of the revenue to the Council and Assembly, in order thereby to obtain the King's consent to making their laws perpetual (727 i-iii). A little later he showed that he was doubtful whether they would agree to do so, and explained their attitude :—"they are so fond of the notion to be as near as can be upon the foot of H.M. English subjects, that the desire of it almost distracts them." (779).

Spanish
ship restored.

Restoration of a Spanish ship seized after the armistice was ordered to be made with speedy and impartial justice (103).

Spanish
pirates
hanged.

H.M.S. *Lanceston* captured a "notorious Spanish pirate," and 41 of the crew were hanged. Sir N. Lawes hoped that this would deter the Spanish *guarda da costas* from their depredations on British shipping, such gentry being always ready to declare that they held commissions from Spanish Governors. The Governor of Cuba, however, protested against the hanging of these pirates, claiming them as loyal subjects of Spain (142, 215, 215 i).

Duke of
Portland and
the Naval
Squadron.

The Duke of Portland, on the other hand, charged the Naval Squadron with neglecting its duty of rounding up pirates and merely using the search for them as an excuse for trading with the Spanish settlements, to the great detriment of Jamaican traders. Over the case of a pirate ship, the *Cassandra*, which they allowed to slip through their hands and take refuge, under the plea of a general pardon, with the Governor of Panama, the Duke thus came into a conflict with the Commodore and Captains of the Naval Squadron, which culminated in an unseemly episode described by him in the course of his complaints to Lord Berkeley and Lord Carteret (659, 659 i-vii).

Leeward
Islands.

Breaking of
the drought.

Hurricanes.

Hart's
report.

The arrival of Governor Hart at Antigua in Dec. 1721, was quickly followed by the breaking of the disastrous drought, which had lasted for four years. Welcome rains heralded a rapid return to prosperity (14, 125, 220, 496, 503). Nor was this seriously retarded by a succession of hurricanes which swept the islands in the autumn of 1723, inflicting much damage on shipping, especially at Antigua (721, 721 i, 772). The new Governor soon sent in a general report upon the condition of the several islands and the different qualities of the inhabitants. Antiguan, he observed, were sociable, well-bred, and loyal, and most of the gentlemen had been educated in England. But whilst the inhabitants of St. Christopher were flourishing, courageous and ready for any enterprise, those of Nevis were disaffected, turbulent and difficult to a degree (220).

Antigua.

Meeting the Assembly of Antigua on New Year's Day, Hart recommended that they should take measures for the defence of the island, the revision of their laws and the amendment of the act governing the recovery of debts (14, 14 i-iii). But he

Governor's
Salary.

had some difficulty in obtaining the grant of an addition to his salary for the duration of his government. For here as elsewhere, the Assembly disliked parting with the hold over a Governor which was conferred upon them by the power of granting or withholding an annual present to him, according as he fell in with their views. After some argument, however, Hart secured an act laying a duty on imports for this purpose. He represented that this tax would fall upon the resident traders, who would pass it on to the consumer, and that as he had arranged that the sum by which he was to benefit should depend upon the tonnage of homeward bound shipping, he would share in the good or bad fortunes of the planters. An act *for establishing Courts* was also passed, amending the faulty method of recovering debts, which took account of the objections raised to the former law. This, he believed, would help to restore the credit of the island, which would be further enhanced by another Act imposing heavier taxation than the planters had hitherto been willing to bear, for discharging the vast public debt.

In spite of his arguments to the contrary, the Council of Trade reported adversely upon the act granting Hart an additional salary, as affecting British trade and shipping and having no suspensory clause (92, 287, 297, 401, 598, 771, 772). The act was therefore repealed (359, 598). An outbreak of sickness brought business to a standstill when the Assembly met in Jan., 1723 (417, 417 i-iii). But in April, they marked their resentment at the repeal of the import duty, by reducing the vote to the Governor to 1000*l.* for one year only. But as his Instructions only permitted him to accept an addition to his salary, if it was granted for the duration of his government, this proposal was rejected by him in Council. As to the amount, Hart remarked that 1000*l.* might have a swelling sound, but that since it was paid in produce, it was equivalent to only 250*l.*, whilst the cost of living was very high. The Assembly, however, angrily insisted that they would make an allowance only in the manner they thought fit, and not as the Crown might direct. As they persisted in this mood, Hart dissolved the House and sailed for St. Christopher (125, 576, 784). There

he learned that the members of the new Assembly had promptly shown their disapproval of the proceedings of the last (576, 578). Indeed, they passed a bill for his salary in a form not liable to the objections which had caused the repeal of the previous act. But this bill was rejected by the Council. For by the Instruction now governing this matter, a Governor might only receive an additional salary from the first Assembly after his arrival. Hart was thus left unprovided for, unless he were given permission by the Crown to accept a vote from the second Assembly (784, 785 i, ii).

Gaming Act. The passing of a gaming act was deemed necessary to prevent the "excessive and deceitful gaming," which is said to have become a discredit to the island (417 i, 772).

**Montserrat.
Governor's
Salary.
Acts
repealed.** Hart fared no better in Montserrat. For, though the Assembly was well disposed and passed an act for his additional salary, it was repealed for the same reason as that of Antigua (190, 289, 417, 598, 643, 691), together with an act laying a poll-tax on negroes (190, 289, 327).

**Lt.
Governors.** Charles Dilke was appointed to succeed Col. Talmash (83), and on his death Capt. Paul George, disappointed of other preferment, asked for and obtained the Lt. Governorship. He had served on the Duke of Montagu's Expedition (419, 419 iv-vi, 568, 578).

Nevis. In Nevis, Hart reported everything to be in the utmost confusion. The inhabitants, though they owed their prosperity to the grants in aid from Great Britain, and though Governor Hart brought to them royal assurances of support against French claims for payment of the ransom exacted by Iberville, were disaffected to the Hanoverian Government, and refused in contumelious fashion to vote the Governor a salary. Hart attributed their attitude in part to the evil of absentee land-owners, and in part to the feebleness of the Lt. Governor. As a remedy he proposed to appoint as Lt. Governor, Col. Mathew, the Lieutenant-General of the Leeward Islands, and to combine the two Governments of Nevis and St. Christopher. In spite

St. Christopher. of the Governor's attempt at conciliation, Council and Assembly continued to treat him with studied contempt (220, 417, 578, 772).

Governor's Salary, and Proposal for settlement of lands. Only from St. Christopher did Hart succeed in obtaining an act for additional salary, which was confirmed (360, 598). In pleading for this allowance, he observed that Governors were expected to spend lavishly in the islands, whilst the cost of living was four times as great as that prevailing in Europe. He added, as a significant statistic suggesting that the labourer was worthy of his hire, that only one Governor had lived to return to England in the past 33 years. The Assembly also, in an address to the King, made the proposal that, in order to obviate for the future all those dissensions which had arisen out of differences as to the ways and means of providing for a Governor's salary, 500 acres should be granted by the Crown out of the former French lands, to be stocked and settled at the cost of the island, for the use of the present and future Governors. The produce, it was calculated, would provide an additional salary of 2000*l.* sterling per annum (125, 771, 771 i). At home, the Treasury was still considering what method to pursue in disposing of the lands in the late French part of the island (292, 592).

Feuds between Council and Assembly. On his first visit to St. Christopher, Hart reported that he had been successful in reconciling the Council and Assembly, with the result that a Militia act, which had long been in abeyance, was agreed to, and an act for completing the fortification of Brimston Hill. Another act was intended to stop the running away of negroes, who absconded to the mountains, and descended thence at night to rob with violence. The act, the Governor admitted, "contained several severities— or so it might seem to those who were not acquainted with the sullen and barbarous temper of the negroes." But when compared with those of Barbados and Jamaica, he thought it would be found excusable and necessary. Yet another act was passed to protect indented servants from abuses, securing their liberty and property in such a way as to put them on the same footing as their fellow subjects in Great Britain (190).

Militia and Brimston Hill Acts.

Severity of Acts for restraining negroes.

Act for protection of indented servants.

Seizure of
British Ships.

The seizure of British ships and ill-treatment of British subjects by the French, was the subject of protest to the Governor of Martinique, and subsequently of representations at Paris. The French Minister, however, declared that the chief complaint came from a notorious smuggler, and that severe measures were necessary to repress the interloping trade (496, 598, 599, 689, 689 i). St. Christopher was reported to be very flourishing, and here as elsewhere, revision of the laws was being undertaken. But owing to the inefficiency of the Clerks Hart, like his predecessors, experienced great difficulty in obtaining the returns he required (190, 220).

The execution of pirates in Antigua is referred to in § I.

Virgin
Islands.

Governor Hart demanded the withdrawal of the Danes from St. John's Island, and, when refused, offered to lead an expedition to turn them out, without any charge to the Crown. For the inhabitants of St. Christopher were eager for the task, and the harbour of St. Johns was reputed to be the finest in the West Indies (150).

Newfound-
land Fishery.

Returns by Fishing Admirals in Newfoundland, and answers to the Commodore's Heads of Enquiry came to hand (88, 94 i, 336-339, 467, 730, 730 i, ii), whilst enquiries were made as to recovering forfeitures on bonds by New England ships which had carried off seamen from the Fishery (96, 117).

Complaints
against Lt.
Governor
Gledhill.

Strong complaints having been made against the Lt. Governor of Placentia for carrying on trade in the Fishery on his own account, he was reminded by the Board of Trade that neither he nor any of the garrison were allowed to do so (475, 476, 485, 491, 632).

French ships
fired on.

The French Ambassador having been instructed to complain that an English man of war had fired on several French ships fishing off the Bank of Newfoundland, the Board of Trade awaited the return of the Commodore of the Convoy for his account of the affair (739 i-iii, 749, 750, 758, 758 i, ii, 759, 763, 775).

“Sports-
man.”

Lt. Governor Hope provides an early use of the word “Sportsman” in its modern sense (603). An instance is quoted by the O.E.D. from the poet Gay, a few years later.

CECIL HEADLAM.

December, '33.

The documents calendared in the following pages are included in the volumes of the Colonial Office Records preserved at the Public Record Office and listed as follows :—

C.O. 5, 4 ; 5, 10 ; 5, 191 ; 5, 290 ; 5, 291 ; 5, 306 ; 5, 358 ; 5, 359 ; 5, 382 ; 5, 387 ; 5, 400 ; 5, 406 ; 5, 752 ; 5, 868 ; 5, 869 ; 5, 898 ; 5, 915 ; 5, 972 ; 5, 980 ; 5, 996 ; 5, 1053 ; 5, 1079 ; 5, 1085 ; 5, 1092 ; 5, 1124 ; 5, 1223 ; 5, 1233 ; 5, 1266 ; 5, 1293 ; 5, 1319 ; 5, 1337 ; 5, 1343 ; 5, 1365 ; 7, 1 ; 23, 1 ; 23, 2 ; 23, 12 ; 23, 13 ; 24, 1 ; 28, 17 ; 28, 18 ; 28, 39 ; 28, 44 ; 29, 14 ; 33, 27 ; 37, 10 ; 37, 11 ; 37, 24 ; 37, 26 ; 37, 28 ; 38, 7 ; 38, 8 ; 116, 23 ; 137, 14 ; 137, 46 ; 137, 52 ; 138, 16 ; 152, 14 ; 152, 15 ; 152, 40 ; 152, 42 ; 153, 14 ; 166, 1 ; 184, 1 ; 194, 7 ; 195, 7 ; 217, 4 ; 217, 30 ; 217, 31 ; 218, 2 ; 239, 1 ; 253, 1 ; 314, 1 ; 323, 8 ; 324, 10 ; 324, 11 ; 324, 34 ; 324, 35 ; 324, 49 ; 388, 78 ; 389, 37.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS. is rubbed or torn.

The reference “A.P.C.” is to the printed Acts of the Privy Council, Colonial Series.

CORRIGENDA.

- P. 2 line 8 *for* Cl. *read* P.
P. 13 line 6 *for* Hope *read* Lloyd.
P. 26 line 11 from bottom *for* Feb. *read* Jan.
P. 77 line 2 *for* Jersey *read* York.
P. 78 line 8 *after* C.O. *insert* 5.
P. 90 line 13 *for* Daveport *read* Davenport.
P. 124 line 15 *for* Governors *read* Governor.
P. 181 line 21 *for* Tunley *read* Timley.
P. 354 line 1 *delete* H.
P. 359 line 7 *for* 742 *read* 741.
P. 376 line 2 *for* warrant *read* currant.
P. 436 *after* line 6 first column, *insert* lines 15 and 16 from
second column p. 465.
P. 438 18 lines from bottom *for* 47, *read* 44.
P. 456 line 35, second column, *for* 185 *read* 186.
P. 465 line 33, second column, *for* 68 i *read* 683 i.
P. 483 line 36, second column, *for* 137 *read* 138.

COLONIAL PAPERS.

1722.

- Jan. 1. **1.** Col. Ekines to the Duke of Newcastle. Enumerates his
London. services in originating packet-service from Falmouth to Portugal
and Spain *etc.*, and repeats request for the Government of N.
Carolina. *Signed*, Tho. Ekines. $1\frac{1}{2}$ pp. *Enclosed*,
1. i. Petition of Col. Ekines to the King. *Duplicate of* [1721].
[C.O. 5, 306. Nos. 7, 7.i.]

- Jan. 5. **2.** Address of the Council and Assembly of South Carolina
Charles to the King. H.E. having communicated to us your Majesty's
Town. most gracious Speech of 19th Oct., to your Parliament, we could
not see the same without being sensible of your Majesties
extraordinary care and tender regard for all your subjects, nor
without the greatest pleasure to see your Majesty manifested
the great Arbiter of Europe, and therefore take leave humbly
to congratulate your Majesty on the success of your wise and
pious endeavours to settle the publick peace and tranquillity,
and the commerce of your Majesties subjects now perfected by the
Treaty with Spain, and that between the Czar and the King of
Sweden, nor can we pass unregarded, the tender care your Majesty
has shewn for the safety and liberty of your subjects crossing the
seas, now sufficiently secured by the peace concluded with the
Moors. The fruits of this your Majesties wisdom and goodness
will be a general blessing and satisfaction to all your Majesties
subjects, but what calls on us more immediately (who are the
inhabitants of one of your Majesties Plantations in America)
for our thanks and acknowledgements, is the encouragement your
Majesty desires to give us in furnishing such stores as may be
useful for your Majesties Royal Navy, the Glory and Bulwark
of the British Nation, and this Colony having furnished Great
Britain with more pitch, tarr, and turpentine than any other
of your Majesties Plantations, do humbly hope by a due
encouragement (as your Majesty is graciously pleased to propose)
not only supply those useful commodities, but also all sorts of
timbers as well as masts and hemp, and thereby answer your
Majesties Royal designs by preserving the ballance of Trade
in favour of Great Britain increasing the Navigation, and
employing greater numbers of your Majesties subjects. These
gracious actions of your Majesty as well as the just care your
Majesty is pleased to shew for supporting the publick credit
of the Nation especially at this time of the Navy, which in a

1722.

particular manner affects this Colony in the bounty given by Parliament, the tender and paternal regard you shew to preserve the health and lives of your subjects threatned with contagious distempers, now raging in some parts of Europe are sufficient testimonys not only of your Majesty's piety, wisdom and goodness, but of the prudent choice your Majesty has been pleased to make of a Ministry *etc.* *Signed*, Ja. Moore, Speaker; Arthur Middleton, Cl. Concl. *Endorsed*, In ye Gazette of Mar. 20th, 1722 $\frac{1}{2}$. 1 large p. [*C.O.* 5, 382. No. 26.]

Jan. 6.
South
Carolina.

3. Governor Nicholson to the Council of Trade and Plantations. *Refers to* letter by Mr. Lloyd, "who I hope in God before this hath been to pay his duty to yr. Lordships, and give you a just and full account of this Province *etc.* The Assembly meet the 4th instant broke up last night and are prorogued to the 25th instant there is by this opportunity transmitted to him some affairs concerning this H.M. Province and he is to wait upon your Honours for your Lordships' directions and assistance therein." The other Agent, Francis Yonge, designing to sail the latter end of this month, *will write* by him *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Read 7th March, Read 20th April, 1722. 1 p. [*C.O.* 5, 358. ff. 117, 118v.; and (abstract) 5, 406. p. 4.]

Jan. 9.

4. Mr. Newman to the Council of Trade and Plantations. If a clause lately added to the Bill *for further encouraging the importation of Naval Stores from the Plantations*, pass as it now stands, it will defeat one of the principal ends of the bill. It proposes to enlarge the jurisdiction of the Court of Admiralty to bounds on the land never known, vizt. to judge of trespasses in the woods of America to 2 or 300 miles from the sea, the extent of some of the provinces named in this clause *etc.* This will open a wide door to many arbitrary proceedings and malicious prosecutions, for the Judges of those Courts have little or no salaries *etc.* I have reason to believe that all the English Governments in America where white pines grow will gladly be subject to any law that may really preserve such of them as are fit for H.M. service, and the Province of New Hampshire are so intent upon it, that the Government there have particularly instructed me to request of your Lordships, that the Surveyor General of the Woods may be directed to preserve the mast trees after a better manner, and not suffer'd to obstruct H.M. subjects from getting such timber from thence as is not nor ever will be fit for the service of the Crown, of which there are multitudes of trees that are rotting on the ground that might make good lumber fit for the London or West India markets, by the latter of which a considerable revenue arises to the Crown *etc.* *Signed*, Henry Newman. *Endorsed*, Reed. 9th., Read 17th Jan., 1722 $\frac{1}{2}$. 2 pp. *Enclosed*,

1722.

4. i. Copy of clause in Bill *for further encouraging importation of Naval Stores, etc.*, agreed to in Committee 22nd Dec., 1721. 2 pp.
4. ii. Three clauses proposed by Mr. Newman to be added, to qualify preceding clause, if passed. 1 p. [C.O. 323, 8. Nos. 26, 26. i., ii.]

Jan. 10.
Boston in
N. England.

5. Capt. Southack to [? Mr. Popple]. I came from Annapolis Royall 16th Nov., where they were generally well. Garrison had the misfortune of all their provision and cloathing being lost in the Bay of Fundy on board a vessel from Canso was cast awaye the 13th Sept., men safed. Sir, I carred Governour Philipps and Major Mascaren to Canso last Augt. Govr. Philipps sent to Placentia for two companies of souldiers which are safe arrived to Canso. At Boston Mr. Cummings informed me that Lt. Young had presented the Lords of Trade with a Mapp of Nova Seotia, which I very much wondered at, he having only my courses and distances out of my books which I give to all the Captains of the Crown ships for the safety of the ships stationed this way. He never was but 15 days on that coast *etc.* It is very hard for other men to run away with my works. This summer was at Canso H.M.S. *Seahorse*, Capt. Thomas Durell, to look after the fishery. He is very capable to make a good survey *etc.* Mr. Cummings says your Honour wants the line I have drawne on a Chart of mine according to the Article of Peace *etc.* I will send it by the first vessel for England. *Signed*, Cyprian Southack. *Endorsed*, Reed. 12th March, Read 5th July, 1722. 2 pp. [C.O. 5, 868. ff. 222, 222v., 223v.]

Jan. 10.

6. Governor Phenney to the Council of Trade and Plantations. *Sends*, by the *Bahama* galley, which has been delayed, the general draft of these Islands (v. 30th Nov. 1721) *etc.*, "being assur'd by people of the greatest skill here, that it is the best and most correct that ever was, and I hope both that, and it's author will be acceptable to your Lordships." *Signed*, G. Phenney. *Endorsed*, Reed. 26th April, Read 1st May, 1722. 1 p. [C.O. 23, 1. No. 43.]

Jan. 10.

Whitehall.

7. Council of Trade and Plantations to the King. *Representation* upon three Acts passed in New Jersey 17 $\frac{1}{2}$. (i) *for shortning law suits etc.*, (ii) *for acknowledging and recording of deeds, etc.*, (iii) *for enforcing the observation of the ordinance for establishing fees etc.* Brigadier Hunter, late Governor, hath inform'd us in relation to the two former, that the Judges of ye Supream Courts of Justice in that Province, have represented to him that the said Acts are intirely destructive of their jurisdiction, and unfit to be continued, with whom Mr. Burnett, your Majesty's present Governor doth agree (1st Aug.), for which reason we are of opinion the said Acts should be repealed,

1722.

and so much the rather because they are intended to be perpetual. And as to the third, which so reduces the fees of the Patent Officers, that 'tis impossible for them to subsist thereon; the sd. Brigadier inform'd us, the said Act was chiefly design'd and calculated as a punishment to a person then Seery. of that Province, who was a man of notorious ill character, and that had been guilty of several irregularities in his office, whom he would have displaced, had he not been a Patent Officer; and for as much as the whole scope of this Act is to take away the accustomed fees of office from persons who do enjoy the same by immediate Patent from the Crown, by which appointment of ye Crown the dependance of the Plantations is in some measure secur'd to Great Britain: we are of opinion that these three several Acts may be disallow'd, they appearing to us to be great ineroachments upon the Prerogative of the Crown. [C.O. 5, 996. pp. 108-110.]

Jan. 10. **8.** Petition of John Conrad Weiser, Deputy of the Palatines in New York, to the Council of Trade and Plantations. Prays that no countenance may be given to Jeremy Lange, whom petitioner employed as his interpreter in the business of settling the Palatines, (*v.* 20th Oct. 1720 *etc.*) and who now without authority from him solicites the Board in their affaires *etc.* *Endorsed*, Reed. 10th Jan., Read 18th May, 1722. 1 p. [C.O. 5, 1053. ff. 56, 57v.]

Jan. 11. **9.** Deposition of Edward Hext. Deponent lived 28 years London. in South Carolina, and for 8 years made tar out of light wood and felled green pine trees, but was never able to judge of green pine trees as long as they were standing, whether they were worth while to fell to make tar *etc.* *Signed*, Edwd Hext. *Endorsed*, Reed. Read 18th Dec., 1724. $\frac{3}{4}$ p. [C.O. 323, 8. No. 52.]

[Jan. 11.] **10.** Petition of John, Duke of Montagu to the King. The Islands of Sta. Lucia and St. Vincent being part of your Majesty's territories in America, have not hitherto been settled, which if it were done, might be of great advantage to Great Britain. Ye doing thereof will be very expensive, yet petitioner is willing to undertake such a great work at his own proper cost and charge *etc.* *Prays* for a grant of said Islands to himself and his heirs, "with ye same powers, priviledges and benefits, which petitioner is possess'd of in his Manor of Bewley," and that he "may be appointed Governor of ye said Islands, with power to appoint a Deputy." *Subscribed*,

10. i. Lord Carteret to the Council of Trade and Plantations. 11th Jan., 17 $\frac{1}{2}$. St. James's. H.M. refers the above petition to the Council of Trade and Plantations for their report *etc.* *Signed*, Carteret. *The whole endorsed*, Reed. 15th. Read 16th Jan., 1721. 1 p. [C.O. 28, 17. ff. 236, 237v.]

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- Jan. 11. **11.** Mr. Popple to Horatio Walpole. *Quotes* Governor Whitehall. Burnet's letter relating to presents to the Five Nations *etc.* *Concludes* : As my Lords Commissrs. are inform'd the money for the presents to them has not yet been issued, they desire you will remind the Lords of H.M. Treasury to give their immediate orders for the dispatch of the said presents. *Set out*, N.Y. Col. Doc. V. 645. 1 p. [C.O. 5, 1079. No. 128; and 5, 1124. pp. 273, 274.]
- Jan. 11. **12.** Samuel Moore to Mr. Popple. Is willing to be struck out of the Council of Jamaica, as he is not returning for three or four years *etc.* *Signed*, Saml. Moore. *Endorsed*, Reed. 12th. Read 16th Jan., 172 $\frac{1}{2}$. *Holograph*. 1 p. [C.O. 137, 14. ff. 53, 54v.]
- Jan. 12. **13.** Governor Nicholson to Lord Carteret. *Refers to* William Charles City Hammerton and Francis Yonge who will give accounts and papers of the Province *etc.* *Signed*, Fr. Nicholson. 1 p. [C.O. 5, 387. No. 29.]
- Jan. 13. **14.** Governor Hart to the Council of Trade and Plantations. Antegoa. After a reasonable passage for the season of the year of seven weeks, I arriv'd here on the 19th Dec., and immediately published my Commission in the most solemn manner. The appearance of ye Country on that occasion was much beyond my expectation; nor was anything omitted that cou'd be done here by the inhabitants to demonstrate their zeal for H.M. service *etc.* I found the late Assembly dissolved by vertue of an Act of this Island which determin'd their sitting at the expiration of three years. I immediately, by the advice of the Council, summoned another, which met at St. John's the first of this instant, and deliver'd myself at the opening of the Session in the manner, your Lordships may be pleased to observe in the inclosed *etc.* *Refers to enclosures*. The Addresses of the Council and Assembly will shew the disposition they are in; and gives me hopes their future demeanor will be such, that I may have the pleasure of giving a continued information of their being a sincere and a reasonable people. As I intend my self the honour of giving yor. Lordships an exact state of the Islands, so soon as I can thoroughly inform my self, I shall not now offer an imperfect relation *etc.* *Signed*, Jo. Hart. *Endorsed*, Reed. 9th March, Read 13th June, 1722. 2 pp. *Enclosed*,
14. i. Governor Hart's Speech to the Council and Assembly of Antigua, 1st Jan., 1722. I shall exert myself to the utmost to promote the prosperity and safety of these Colonies. It was my good fortune to leave my late Government of Maryland in so much a better condition than I found it. Great Britain now enjoys a universal peace, but I recommend you to put your Island in

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the best posture of defence, and to remedy the law for the recovery of debts. I have it in command from H.M. that your Laws be instantly revised and a fair collection transmitted to the Council of Trade. *Hopes for their concurrence therein etc.* Though this was a laborious work in Maryland, yet the benefit reaped made ample amends, by having a confused heap of laws reduced to a compact body happily adapted to even the meanest capacity *etc.* *Same signature and endorsement.* 2 pp.

14. ii. Address of the Council of Antigua to Governor Hart. Jan. 1st, 1722. Return thanks for Speech and promise their concurrence *etc.* *Signed*, by order, Gilbert Fleming Clk. Council. *Same endorsement.* 2 pp.
14. iii. Address of the Assembly of Antigua to Governor Hart. Return thanks for Speech and promise concurrence *etc.* *Signed*, Ashton Warner, Speaker. *Same endorsement.* 2 pp. [C.O. 152, 14. ff. 120-122v., 123v.-124v., 125v., 126v., 127v.]

Jan. 14.
Charles City
and Port.

15. Governor Nicholson to Lord Carteret. *Refers* to letter of 11th (= ?12th). On the 12th instant at night I had an accot. that old Mr. Rhett dyed of an appoplex *etc.* I most humbly propose that if your Lordship think fitt to appoint another [*Receiver*] he may have full power to examine into all the late Rhett's accots., for it's supposed that he never sent your Lordships an accot. of your affairs signed by himself and sworne to as a just and full accot. and that there were no compositions made by him or orders given to stop indietments by nolle prosequi's *etc.* I think it would have been for your Lordship's interest if he had dyed some years agoe and that Mr. Trott and his family had not been linked together *etc.* I am afraid at present there are not many persons here quallified to succeed Rhett and to examine the accots. *Proposes that a successor be sent over for that purpose and to draw up a state of the quit-rents and dues etc.* Delay will be very prejudicial *etc.* *Signed*, Fr. Nicholson. 1½ pp. [C.O. 5, 387. No. 30.]

Jan. 14.
London.

16. Col. Moody to the Council of Trade and Plantations. Encloses answers and affidavits in pursuance of his claim, v. Jan. 1720. *Signed*, J. Moody. *Endorsed*, Reed. 16th Jan., Read 15th Aug., 1722. 2 pp. *Enclosed*,

16. i. Answers to 5 queries sent to Col. Moody by the Council of Trade. The point of land upon which the new Fort is now building was granted by the French King to M. Viddell Parris, sold by him to Mr. John Chavalier for 4000 livres and by him to Col. Moody with the houses *etc.* thereupon, together with a garden a mile away not worth 20s. a year for 4000 livres = £266

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- 13s. 4d. Said land and houses were let by him to John McGee and Thomas Salmon by lease for £70 a year. *Signed, J. Moody. 1 p.*
16. ii. Account of compensation for rent, purchase money and expenditure on above property due to Col. Moody £732 2s. 4d. *Signed, J. Moody. ½ p.*
16. iii. Depositions of Capt. John Linthorn and Capt. Richard Sturzaker. 10th Jan., 1721. *Corroborate preceding. Signed, Jno. Linthorn, Richd. Sturzaker. 2 pp.*
16. iv. Deposition of William Smith. 11th Jan., 1721. *Corroborates preceding. Signed, William Smith. 1¼ pp.*
16. v. Deposition of George Mills. 10th Jan. 1721. *Corroborates preceding. Signed, George Mills. ½ p.*
16. vi. Two Orders from the Treasury for payment for lands taken for the fortifications at Chatham, Portsmouth and Harwich, 10th March and 30th Aug., 1715. *Copies. 2 pp.*
16. vii. Memorandum of original papers and proofs of title returned to Col. Moody. 2¾ pp. [*C.O. 194, 7. ff. 69, 69v., 70-71, 72, 73-75v., 77, 79, 79v., 81, 82.*]

Jan. 16. **17.** Council of Trade and Plantations to the King. Offer, Whitehall. for H.M. confirmation, Act of Antigua, 1721, *for raising a tax for paying a publick debt due to Governor Hamilton etc.*, which provides for the payment of arrears incurred by reason of the deficiency of the Act of 1716, confirmed by H.M., settling £1000 pr. annum currant money upon the Governor in lieu of house rent *etc.* [*C.O. 153, 14. pp. 85, 86.*]

Jan. 17. **18.** Council of Trade and Plantations to Lord Carteret. Whitehall. Since our Representation of 30th March and our letter of 28th July, we have receiv'd several accompts of the great confusions in Barbados occasion'd by the irregular proceedings of Mr. Cox *etc.*, and the ill understanding there is between him and the Counsellors whom H.M. has been pleas'd to restore, *copies enclosed*, by which it will plainly appear how impracticable it is in the present situation to carry on the King's business in that Island, and consequently how necessary it is that a speedy remedy shou'd be applied to this evil. Mr. Cox refers to Minutes of Council of which we presume your Lordship may have reced. *copies etc.* [*C.O. 29, 14. pp. 283, 284.*]

Jan. 18. **19.** Nicholas Trott to [*?Lord Carteret*]. *Refers to several recent letters to him and the Board of Proprietors etc.* I should not have presumed to trouble your Lordsp. now but that I heard from several persons here that your Lordsp. is now resolved to assert your rights to this Province and that you had made a publick demand of the Government of Carolina and to be again restored to your rights therein which to be sure was very accept-

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able news to Coll. Rhett and myself and others that had been always faithful to our trusts and duties *etc.*, and who have been made and still are the marke of the Governour's malice upon that account. *Hopes that he will constitute a Governour etc.*, who will be commissioned by H.M. to command H.M. company of souldiers here, and not let any other person have the command of the souldiers to enable him to stand in defiance of your Lordsp's. authority invested in your Governour. Though Mr. Nicholson is only a provisional Governour and as such I think his business was only to keep the peace and prevent confusions till your Lordsp's. claim could be decided, yet I suppose your Lordsp. hath been informed by mine and other persons letters how he slights and contemns your Lordsp's. authorities and rights in this Province as much as if your Lordsp. had given up all your claims and pretences to ye same. Now everyone here knows that your Lordsp. hath not forfeited your Charter nor no judgment given against you upon the same, nay are assured that a nolle prosequi is entered upon ye scire facias so that the Lords Proprietors are as much Proprietors of the Country as ever you were, and amongst other rights are entituled to all fines and forfeitures. But Governour Nicholson is so far from having any regard to ye right of your Lordsp's. and the rest of the Lords Proprietors that he hath appointed a Reeceiver or Treasurer for the King to receive all fines and forfeitures. And I am told that he hath received already to the value of £600 and upward, which I think doth of right belong to the Lord Proprietors *etc.* *Prays to be continued in his office of Chief Justice and also to have his power restored of making his own Marshal, without which he cannot maintain his authority etc.* *Signed, Nicholas Trott. 2¼ pp. [C.O. 5, 387. No. 31.]*

[Jan. 19.] **20.** Abstract of the grant of the Manor of Bewley (*v.* 11th Jan.) *Endorsed*, Reed (from ye D. of Montagu). Read 19th Jan., 172½. 3½ *pp.* [*C.O.* 28, 17. *ff.* 239, 240, 240v.]

Jan. 19. **21.** Order of Committee of Privy Council. Referring
St. James's following to the Council of Trade and Plantations for their report. *Signed*, Robert Hales. *Endorsed*, Reed. 21st Feb., Read 2nd March, 172½. 1½ *pp.* *Enclosed*,

21. i. Petition of Joseph Jenks and Richard Partridge, Agents for Rhode Island, to the King. Protest against encroachments by Connecticut and pray that their boundary may be confirmed in accordance with their Charter and the report of the Commissioners of 1664. *v.* A. P. C. III. No. 4. *Copy.* 5¾ *pp.*

21. ii. Jer. Dummer, Agent of Connecticut, to the Committee of Privy Council. Reply to preceding. The Colony of Connecticut are only asserting their just rights according to their Charter *etc.* Pawkatuck

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and Narraganset Rivers, which are mentioned in the Rhode Island Charter as one and the same, are two different rivers. By thus blending them, a great part of the territory granted to Connecticut by a prior patent is unjustly invaded *etc.* v. A.P.C. III. No. 4. *Copy.* 1½ pp. [C.O. 5, 1266. ff. 23-26v., 28v.]

Jan. 20. **22.** Order of King in Council. Confirming Act of Antegoa
St. James's. *for raising a tax for paying a publick debt due to Governor Hamilton etc. Signed, Robert Hales. Endorsed, Reed. 18th, Read 24th April, 1722. 1 p. [C.O. 152, 14. ff. 102, 103v.]*

Jan. 20. **23.** Order of King in Council. Approving amendments
St. James's. proposed by Committee of the Council to the draft of Instructions to Governor the Duke of Portland (Dec. 13, 1721), *as set out A.P.C. III. No. 24. Signed, Robert Hales. Endorsed, Reed. Read 26th Jan., 172½. 2¼ pp. [C.O. 137, 14. ff. 55-56v. ; and 5, 191. pp. 221 a, b, c.)*

Jan. 20. **24.** Order of King in Council. Empowering Governor the
St. James's. Duke of Portland to fill up a vacancy in the Council of Jamaica upon his arrival *etc. Signed, Robert Hales. Endorsed, Reed. 23rd. Read 24th April, 1722. 1 p. [C.O. 137, 14. ff. 135, 136v.]*

Jan. 20. **25.** Order of King in Council. Repealing Acts of New
St. James's. Jersey, (i) *for shortning law-suits*, (ii) *for recording deeds, etc., etc., and (iii) for enforcing the ordinance for establishing fees, etc.* (v. 10th Jan.) *Signed, Robert Hales. Endorsed, Reed. 20th. Read 21st Feb., 172½. 2 pp. [C.O. 5, 972. ff. 42, 42v, 45, 45v.]*

Jan. 20. **26.** Order of King in Council. [*It appearing from*] several
St. James's. papers transmitted by Governor Sir N. Lawes, relating to his having pursuant to H.M. repeated commands, issued his orders in Council to the Receiver Generall to pay £2706 6s. 3d. and £938 17s. 6d. with interest to Lord A. Hamilton, late Governor of Jamaica, and to others who were of the Council; but that the Assembly having taken upon them to resolve that H.M. Revenue was no ways chargeable with the said sums, and that the Receiver Generall ought not to be allowed the same in his accounts, the said debts still remained unpaid *etc.* Ordered, that a letter be sent to the Governor commanding the Receiver Generall without delay to pay the said debts with interest out of the first and readiest of H.M. Revenue in Jamaica, preferable to all other demands whatsoever, and signifying that the same shall be allowed him in his accounts, and that H.M. will support him in the execution of his commands, and in case of his refusal

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to comply therewith that he shall be prosecuted for such contempt, and further prosecution had to make void his patent *etc.* *Signed*, Robert Hales. 2½ pp. [C.O. 5, 191. pp. 460 a, b, c.]

Jan. 20.
St. James's.

27. Order of King in Council. Upon reading this day at the Board a report from the Lords of the Committee for hearing appeales, complaints, *etc.* from the Plantations upon the petition of Bernard Cook of Barbadoes, setting forth, that Governor Lowther having conceived a displeasure and threatned revenge against him, for no other cause as he knows off, but that of his discovering the said Govrs. contemptuous treatment of his Majesty's most gracious letter to him in favour of petitioner concerning his estate in Barbados, which is wrongfully detained from him by severall persons of great interest and authority there, and particularly John Frere Esqr. the said Govrs. nephew, and that the said Govr. to gratify such his resentments did together with Robert Warren and Samuel Adams Gent. : contrive to oppress and injure petitioner under a false pretence that petitioner had uttered some words reflecting on the modesty of the said Warren's wife, and the wife of the said Adams, by causing the Petr. to be bound over to a Petit Sessions of the Peace, where severall Justices from different precincts were sent by the said Govr. and Guy Ball Esq. presided, in order to punish petitioner for the said pretended words without any tryall. Petitioner well knowing the attachment of the said Justices to the Govr. moved to traverse or remove the said complaint to the Grand Sessions, to the end it might be tryed by a Jury of twelve men, but the said Justices, notwithstanding all H.M. subjects have an undoubted right to demand it, absolutely refused to lett the Petr. traverse the same, and taking upon them to hear the said complaint, did without any legall proof against your petr. or any tryall by a jury, take upon themselves to condemn the petr. for the said pretended words, to be publickly whipt, and to have twice thirty nine lashes on his bare back, tho' he never was convicted thereof. Pursuant to the said Orders the petr. was in open Court in the presence of the said Justices publickly whip'd by the common whipper of slaves in an inhuman, cruell and barbarous manner the petr. considers as the least part of his punishment when he reflects upon the infamy and scandall thereby brought upon himself and his posterity. *Prays for relief etc.* The Lords of the Committee, having first appointed Commissioners on both sides to take and transmit depositions *etc.* from Barbados, which was done, upon the whole matter report, 11th May, 1720, (i) Petitioner offered no proof of his accusation against Governor Lowther. (ii) The Justices of Peace have proceeded against petitioner without any crime alledged, for that scandalous words spoken of private persons is no grounds for criminall prosecutions. (iii) The said Justices have taken upon them to try the matter

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of fact without a jury, and to deny the petr. liberty to traverse and remove the proceeding to the Grand Sessions of the Island. (iv) The said Justices have at the prosecution of Warren sentenced petitioner £100 fine before he went out of Court, or to receive 39 lashes, and likewise at the prosecution of Adams, the Justices gave the like sentence. (v) Petitioner not paying the fines, was publickly whip'd in open Court by the common whipper of slaves, and received fourseore lashes save two, on his bare back. And their Lordships are of opinion, that the Justices present in Court at the time of the proceedings against petr., who were Guy Ball, Francis Bond, Thomas Maycock, junr., Robert Bishop, George Barry, John Fercherson, Stephen Thomas and William Kirkham Esqrs., have proceeded arbitrarily and illegally, for that they had not proper cognizance of the matters before them, and have taken upon them to examine witnesses and determine matters of fact without a jury and have given two sentences which were arbitrary and cruell. H.M. in Councill, approving of said report, is pleased to order that such part of the said accusation as is against Robert Lowther Esq. be, and it is hereby dismist, and that the *above-named* Justices be all removed from the Commission of the Peace, and as Guy Ball and Francis Bond Esqrs. are of H.M. Councill there, that they be likewise removed from their said posts *etc.* *Signed*, Edward Southwell. *Endorsed*, Reed. 23rd, Read 24th April, 1722. 6 $\frac{3}{4}$ pp. [C.O. 28, 17. ff. 266-269v.]

Jan. 24. **28.** Archibald Kennedy, Adjutant to the Four Companies at New York, to the Council of Trade and Plantations. *Solicites* (i) two Additional Companies in order to extend the frontiers as far as the Lakes, to settle garrisons in the Indian countries, "and particuarly at the great fall at Neagara, weh. will be of ye last consequence to those provinces both wth. respect to ye Indian trade, being ye pass where all the far Nations stop, as well as those that live upon the Lakes and ye two great Rivers Mississipi and St. Lawrence" *etc.* (ii) That care be taken for the Invalids. (iii) and supply of stores and bedding. "Your Lorps. seem to think the country ought to supply the garrisons, but if we are not supply'd till then, the troops on the frontier will desert" *etc.* We have always been supply'd regularly for above 40 years from the Board of Ordnance till of late" *etc.* Cf. Governor Burnet's letter, Dec. 2nd, 1721. *Signed*, Archd. Kennedy. *Endorsed*, Reed. 24th, Read 25th Jan., 172 $\frac{1}{2}$. 1 p. [C.O. 5, 1053. ff. 26, 27v.]

Jan. 24. **29.** Mr. West to the Council of Trade and Plantations. Report upon 11 Acts of Antigua, to which he has no objection. *Signed*, Richd. West. *Endorsed*, Reed. 24th Jan., Read 18th April, 1722. 2 $\frac{3}{4}$ pp. [C.O. 152, 14. ff. 98-99v.]

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London.

30. John Hamilton to the Honble. Edward Carteret and Galfridus Walpole, Esqrs. H.M. Postmaster General. In 1692 King William granted Mr. Neal power to erect posts in North America for 21 years. In pursuance of which grant the Postmr. Generall att Mr. Neal's nomination deputed Andrew Hamilton who with great labour and expence settled a regular post from Philadelphia to Piscataway in New England in all above 500 miles. Mr. Neal being unable to pay the summ of money advanced in settling the posts assigned over his intrest in the Patent to Mr. Hamilton for securing the sd. debt. Mr. Neal dyeing before any part of the debt was paid the right of the patent was vested in Mr. Hamilton and in 1706 Mr. Hamilton's Executrix petitioned for a further enlargement of the first term of 21 years which being referred to the then Postmaster Genll. they in their report to the Lord High Treasurer told his Lordship the debt due upon the post patent was upwards of £3000, and advised the Queen instead of enlarging the term to take the remaining term of the Patent (being about seven years) and to pay £1664. Accordingly in June 1707 the patent was surrendered, £1664 paid, and I was appointd. Post Master of America under a yearly salary of £200 sterling and continued in that post untill 23rd Nov. last. In that time I used my utmost endeavours for the advancement of the Office but by the decay of trade, the dayly abuses committed by Masters of vessells in not bringing their letters to the Post Office as is directed by the Act of Parliament, and the height of the present establishment, I have not been able so farr to improve the Revenue as to defray all the expence so there was due to me in June last upon the arrears of my own salary £479 18s. 10 $\frac{1}{4}$ d. The late Post Master Genll. wrote to mee that finding the Post Office in America did not defray its own expence they had thoughts of farming it and that they would take what proposalls I should make under their consideration. Accordingly I offered, that if they would order mee what was due upon the account of my salary, I would imediately take the Office into my own hands and pay the Crown £100 pr. ann. That if they did not think fitt to order mee the payment of my arrears which then amounted to upwards of £300 if they would allow mee 3 years clear to reimburse myself, I would att the expiration of 3 years pay to their order the yearly summs of £100. The debt now due to mee being upwards of £500, I humbly renew these proposalls by weh. the Post Office here will be att no expence and after a term of years have a certain profit.

During my management I have given universall satisfaction. I never had one shilling perquisite *etc.* Signed, John Hamilton.
2 $\frac{1}{4}$ pp. [C.O. 5, 1233. No. 59.]

Jan. 24.

31. Duke of Hamilton to the Council of Trade and Plantations. There being a dispute depending between Connecticut

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and Rhode Island as to some lands in New England, which may concern the lands he has a right to there, *desires* copy of representation of 1697 (*v. C.S.P. 1697. No. 1234.*) *Endorsed*, 24th Jan., Read 2nd March, 172 $\frac{1}{2}$. $\frac{1}{2}$ p. [*C.O. 5, 1266. ff. 29, 30v.*]

Jan. 24.
London.

32. Mr. Lloyd to Mr. Popple. *Encloses* Acts of South Carolina *etc.* *Signed*, John Hope. *Endorsed*, Recd. 24th Jan., Read 28th April, 1722. 1 p. *Enclosed*,

32. i. List of Acts received from Mr. Lloyd *etc.* *Same endorsement.* 2 large pp. [*C.O. 5, 358. ff. 119, 120v, 121, 122, 122v.*]

Jan. 26.

33. John Latimer to the Council of Trade and Plantations. Proposes to wait upon the Board with a scheme for the growing of hemp and flax in a province in America "not yett knowne" *etc.* *Signed*, John Latimer. *Endorsed*, Recd. Read 26th Jan. 172 $\frac{1}{2}$. $\frac{3}{4}$ p. [*C.O. 388, 78. ff. 3, 3v.*]

Jan. 31.
St. James's.

34. The King to Governor Sir N. Lawes. Whereas the Lords of the Committee of Our Privy Council have reported unto Us, that notwithstanding you issued your Orders in Council to the Receiver General (pursuant to Our repeated commands) to pay the sums due to Lord A. Hamilton and others of the Council of Jamaica, yet they have not received the same, the Assembly there having taken upon them to resolve, that Our Revenue was no ways chargeable with the said sums, and that Our Receiver Genrl. ought not to be allowed the same in his account *etc.*, We having taken the said report into Our Royal consideration are graciously pleased according to what is therein proposed to enforce Our former commands *etc.*, do hereby expressly command authorize and require Our Receiver Genrl., without delay, to pay the said debts with interest out of the first and readiest of Our Revenue there preferable to all other demands whatsoever which said payments shall be allowed him in his accounts, and we will support him in the execution of these Our commands; and Our further will and pleasure is that in case of his refusal to comply herewith you do cause a prosecution to be carried on against him for such contempt and a further prosecution to make void his patent, *etc.* *Countersigned*, Carteret. *Copy.* [*C.O. 324, 34. pp. 96-98.*]

Jan. 31.

35. Thomas Bennett to the Council of Trade and Plantations. On behalf of Lt. Governor Bennett solicites the speedy confirmation of an Act of Bermuda *for supplying the deficiency of several funds for finishing the Governor's house, and repairing the Castle and other fortifications etc.*, a ship being now ready to sail and the last Act for that purpose expiring in May *etc.* *Endorsed*, Recd. Read 31st Jan., 172 $\frac{1}{2}$. 1 p. [*C.O. 37, 10. No. 21.*]

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Feb. 1. 36. Council of Trade and Plantations to Lord Carteret.
 Whitehall. *Reply to No. 10.* Enclose following. *Annexed,*

36. i. *Same* to the King. *Representation upon* the Duke of Montagu's petition for a grant of St. Vincents and Sta. Lucia. We have discours'd with his Grace upon this occasion; whereupon we most humbly represent, that these are two of your Majesty's Windward Charibbee Islands at present comprehended in the Commission of your Majesty's Governor of Barbados, but as they have neither of them been hitherto settled they produce no revenue to the Crown, nor any advantage to these Kingdoms; It would therefore undoubtedly be for your Majesty's service yt. the same shou'd be effectually settled and planted, and so much the rather because the French have heretofore made sevl. attempts to possess them to the manifest prejudice of your Majty's. title. The Petitioner proposes, in consideration of an absolute grant from your Majesty to him and his heirs of the soil of ye said Islands (the Government with all royal and sovereign authority being absolutely reserved to your Majesty), to send over 500 white people at ye least to make a settlement on ye Island of Sta. Lucia within three years after the date of such grant. His Grace likewise proposes to be accountable to your Majesty for a quit-rent for one full third part of the said Island of Sta. Lucia at the rate of 2/6 per 100 acres, within the space of 13 years after the date of the said grant, for one other third of the said Island within 10 years more, and for the remaining third, in proportion as the same shall be leas'd out or taken up, the rent for each parcel of the two first, as well as of the remaining third thereof respectively to commence within three years after ye date of every lease or grant to be made to other persons by his Grace. But inasmuch as the Island of St. Vincent is at present possessed by Indians and negro slaves who having made their escape thither from the neighbouring Islands are arm'd and very numerous, he hopes to be indulg'd in a further time for the settling thereof, and that he may be allow'd the space of tenn years for making such a settlement as may be sufficient to secure the possession of that Island to your Majesty, and that his quit rent for the same shall not commence but in proportion and from time to time as the land there or any parcel thereof shall be taken up, that is to say within three years after the date of each respective lease or grant to be made thereof by his Grace to other persons. These proposals in our humble opinion are for your Majesty's service and for ye advantage of Great Britain in as much as they tend to the opening of a new branch of Trade. But we crave leave to observe, that when ye settlement of Tobago was under our consideration, certain rules and restrictions were propos'd by us to be observ'd by your Majesty's Governor of Barbados in the disposition of that Island, which were approv'd by your Majesty in Council. [*Note in margin: Except that for*

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restraining the planting of sugar.] And forasmuch as the Duke of Montagu in case your Majesty shou'd be graciously pleas'd to grant his request, will become the sole possessor and consequently the distributor of all the lands in these Islands, we humbly conceive it may be necessary that his Grace shou'd be enjoin'd to observe the same rules in the distribution of these lands, that are to be observ'd by your Majesty's. Governor of Barbados in the distribution of those of Tobago, *as annexed etc.*

36. ii. Restrictions proposed to be observed by the Petitioner in the planting and settling of Sta. Lucia and St. Vincent. (i) No grants to be made to any planters who have settlements in any of H.M. Charibbee Islands. (ii) No person to have a grant or be allowed to hold by purchase or otherways, or any other person in trust for him, more than 300 acres, and none less than 15; every leasee to be obliged to cultivate one acre in 50 every year after the date of his patent, and so in proportion; (iii) and to keep one white man or two women within a year after the date of his grant, and one white man or two women for every 20 acres three years after the date thereof. (iv) All settlers to be by their grants effectually restrained from planting any sugar canes there. (v) After three years from the date of their grants, all proprietors of land to pay your Majesty your heirs and successors a quit rent of 2/6 for every 100 acres, and after 10 years further to pay the duty of 4½ as in Barbados *etc.* [C.O. 29, 14. pp. 285-292.]

Feb. 1. 37. Capt. John Evans to the Council of Trade and Plantations. *Returns thanks* "for the reports they have made in my favour for an equivalent for an estate taken from me in America in New Yorke and for ye oportunitie they have given me of receiving the same from his Grace of Montague wth. whome I am intirely satisfied" *etc.* Signed, John Evans. *Endorsed*, Reed. Read 1st Feb., 172½. 1 p. [C.O. 28, 17. ff. 238, 238v.]

Feb. 1. 38. Mr. Popple to Horatio Walpole. *Encloses* copy of Whitehall. 29th Instruction of Governor of Barbados relating to remission of forfeitures, and Mr. Cox's letter, 20th Dec., relating to his suspending payment of a forfeiture in the case of Mary Haselton, to be laid before the Lords Comrs. of the Treasury. [C.O. 29, 14. pp. 293, 294.]

Feb. 2. 39. Mr. Newman to Mr. Popple. *Encloses* following to be Middle laid before the Board. *Concludes* :—"I will wait on you for their commands" *etc.* Signed, Henry Newman. *Endorsed*, Temple. Reed. 2nd, Read 8th Feb., 172½. 1 p. *Enclosed*,

39. i. Extract of letter from Governor Shute to Henry Newman. Boston, 13th Dec. 1721. I remark your petition you laid before the Lords of Trade relating

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to the powder money of New Hampshire, and have also received letters from Mr. Popple to the same purport. Do therefore sent you a copy of the King's Order *etc.* (v. Dec. 13. No. ii.) It was adjudged in both Provinces that this latter clause of the Act which you'll find mark'd had a relation to the English shipping, which was the occasion the powder money was not demanded from any English vessels after the receipt of the inclosed order. *Desires him to ascertain* their Lordships' possitive determination in this matter, which I hope will produce either an order to take it again or else that the Castle of New Hampshire will be supply'd out of the Magazines at home. $\frac{1}{2}$ p.

39. ii, Additional instructions to Gov. Shute, 27th Sept, 1717. *Copy.* 1 p. [C.O. 5, 868. ff. 155, 156, 157, 160v.]

Feb. 6. **40.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Enclose* extracts of letters from Governor Shute, ?Nov. 10th and Dec. 13th, 1721, relating to the conduct of the French and Indians *etc.* "to be laid before H.M. for his pleasure therein." [C.O. 5, 915. p. 337.]

Feb. 8. **41.** Council of Trade and Plantations to the King. Recommend Wm. Cockburn for the Council of Jamaica, in room of Samuel Moore (v. 11th Jan.). [C.O. 138, 16. pp. 401, 402.]

Feb. 9. **42.** Mr. Cox to the Council of Trade and Plantations. The Barbado's. unhappy fate of my Lord Belhaven does sensibly affect me, as I find myself longer continued in a post wherein I can neither serve my King, nor my Country, in the manner I ought and could, were not my hands tied up, by a Council who choose rather to see the Island go to ruin and confusion, than by concurring with me and the Assembly in the administration, lett me have the honour of quelling the animosities, and retrieving the publick credit, *etc.* Upon the news of the loss of my Lord Belhaven, I called the Council, but could not get a Quorum to attend me till the fourth appointment; at last (vizt.) the 31st January, I got a bare Quorum, and then laid before them, in the inclosed Speech, the bleeding state of our Country, exhorted them to peace, and pressed them to consider the publick good, and gave them till Tuesday the 6th instant and from thence till Thursday following: But they would neither give me a meeting, nor have any of them (except Mr. Salter and Mr. Lightfoot) thought fitt to vouchsafe me an answer: These two gentlemen are indeed very ready to do their duty, and concur in any measures for paying the debts, and providing for the support of the Government; Which I wish I could say of any of the rest. My Lords, It is hardly possible to conceive the

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disorder'd and ruinous state of this Colony. Our Militia, which was once the finest and best disciplined in America, is now so totally neglected that the very officers do not understand the common postures of the firelock, and altho' it be now above six months since the Military Officers made by Mr. Lowther have been restored yet there are many of them, even of the Collonells themselves, who have never once been in the field or so much as once seen their men; nor have they interest enough in the Island to gett Officers for their Regiments. Our forts and batteries are so very ruinous that not above one half of the gunns have carriages, and the matrosses who should guard them are forced to abandon their posts for want of their subsistence money, for the Council will not allow any order to pass for paying of them, or of any other person, and I am confined by my Instructions not to draw any orders for money without their concurrence. Insomuch that the publick credit is entirely lost, and if it were not for the support I could raise among my private freinds; two pyrate ships of 300 men each, might plunder the Island. The French traders land in the night and nail up the gunns of the batterys on the Leeward coast, for want of the matrosses being at their posts; they steal and carry away our negroes, and put prohibited goods on shoar, all my care to the contrary being ineffectual to prevent it, and I can with truth, and hope I may without vanity affirm that no one, who has such difficulties to struggle with as I have, could do more than I have done to that purpose. I think it my duty thus plainly to lay before your Lordships a true state of our affairs, that I may not be answerable for any ill consequences which may hereafter happen, since it is not in my power to suspend any of the Council without the concurrence of a majority of themselves, which can never be expected from men guilty of the same crimes, and therefore I shall not attempt it *etc.* Unless I have power given me from home to suspend some at least of the Council, so as to make a Quorum of that branch of the Legislature to join with the Assembly and myself in enacting such laws, as are absolutely necessary at this juncture, it will be morally impossible for me to save the Collony from utter ruin. I have been constrained to remove Mr. Gibbes from being Cheif Baron of the Exchequer for attempting to exercise a jurisdiction superiour to, and inconsistent with the jurisdiction of the Court of Chancery (a jurisdiction never heard of in this Island or attempted before; noways warranted either by his Commission, or the institution of the Court) and that too, in defiance of all Law, Equity and Justice, by granting an injunction which had been solemnly argued and denyed by the Court of Chancery (to which Court the Defendant at law had himself first appealed) granting it too without any affidavit made of any equity, and hanging up the cause for several months on a motion to amend the Bill on which the injunction

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was pretended to be founded, without either allowing or rejecting the motion, and yet the injunction still subsisting without any limitation of time, whereby the recovery at Common Law might have been defeated for many years (as it has already I think some). In this conduct he persisted after my positive orders as Chancellor served on him by the Sergeant at Arms, *etc.* *Signed*, Saml. Cox. *Endorsed*, Reed. 13th, Read 17th April, 1722. 3 pp. [C.O. 28, 17. ff. 254-255v.]

Feb. 9. **43.** *Same to Same.* Yesterday the Assembly nominated Barbados. John Huggins, William Nevine, and Alured Popple Esqrs. to be Agents of our Island. *Signed and endorsed as preceding.* 1 p. [C.O. 28, 17. ff. 256, 257v.]

Feb. 10. **44.** Lord Carteret to the Council of Trade and Plantations. Whitehall. Encloses following for their report thereupon. *Signed*, Carteret. *Endorsed*, Reed. Read 13th Feb. 172 $\frac{1}{2}$. $\frac{3}{4}$ p. *Enclosed*,

44. i. Memorial of Governor the Duke of Portland to Lord Carteret. Finding that the Laws of Jamaica all expire in 1724, *asks for* H.M. Instructions as to renewing them. *Concludes* :—Under the present perplex state of that Island, and from the contending partys there, nothing can contribute more effectually to the relief of the one, and the composing the other, as that I may have the earliest occasion given me, of representing to that people H.M. great tenderness and concern for their welfare, in renewing and confirming the said Laws *etc.* *Signed*, Portland. 1 p. [C.O. 137, 14. ff. 57, 58, 60v.]

Feb. 10. **45.** Governor Phenny to the Council of Trade and Plantations. N. *Refers to* letter and enclosures of 30th, [= ? 26th] Dec. Providence. *Continues* :—Since which I have commissioned officers for three companys of Militia on this Island, one on Harbour Island and two on Ilathera including the few on Cat Island, and appointed two Justices of the Peace for those remote places. I have also made a near computation of the number of Whites and Blacks, and find 470 Whites on Providence, of which 170 may be accounted able to bear arms, 233 Blacks, whereof 90 able to bear arms. On Harbour Island there are 124 whites, of which 28 able to bear arms, and about 5 negroes. On Ilathera there are 150 whites, of which 56 fit to bear arms, 34 negroes whereof 23 able to bear arms. On Cat Island there are about 12 Whites, and 2 or 3 able negroes. That we have but few plantations settled is chiefly owing to the want of an Assembly, by the concurrence of which only we can expect the power to settle the claims of persons to the great waste of lands which now lyes barren, and cant yet escheat them. I would not trouble your Lordships with every particular reason for our desiring an

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Assembly, not doubting but your Lordships will obtain for us so desirable a good to make us happy and easy. The platform is begun, but the work appearing heavy, and it being now the season for planting of provisions, and cutting of braziletto wood which requires the people to attend the service of their familys, I doubt it will be some months before it is perfected. But I will use my endeavours to forward it with all possible expedition *etc.* *Signed*, G. Phenny. *Endorsed*, Reed. 31st July, Read 7th Aug., 1722. 2 pp. *Enclosed*,

45. i. List of (19) Officers of Militia of the Bahama Islands. *Same endorsement.* 1 p.

45. ii. Minutes of Council of the Bahama Islands, 13th Jan., 1722. P. G. Parobow Skynner was suspended from the Council until he clear himself of charges of expressing sympathy with the Pretender, brought against him in affidavits of Lt. MacManus, Mary MacManus, and Sarah Skellit. *Copy.* 3¼ pp. *Same endorsement.* 3 pp. [C.O. 23, 1. Nos. 45, 45 i, ii.]

Feb. 13. **46.** Horatio Walpole to Mr. Popple. The Lords Commissioners of H.M. Treasury desire the opinion of the Council of Treasury Chambers. Trade and Plantations upon the *enclosed* Memorial. *Signed*, H. Walpole. *Endorsed*, Reed. 13th, Read 15th Feb., 172½. *Addressed.* ¾ p. *Enclosed*,

46. i. Memorial of Sr. Cha. Cox to the Lords Commrs. of the Treasury, 9th Feb., 172½. Prays for payment of £1000 due to his brother Samuel Cox, acting Governor of Barbados, being the moiety of Governor's salary for one year, to 30th June, 1721. 1 p. [C.O. 28, 17. ff. 241, 242, 244v.]

Feb. 13. **47.** Mr. West to the Council of Trade and Plantations. The Act of Bermuda *to supply the deficiency of several funds etc.* continues a duty upon goods imported laid by the Acts of 1713 and 1715 for no lesse a term than one and twenty years longer. As a duty of this nature must chiefly affect British goods, I submit how far this Act is consistent with the Governor's Instructions *etc.* *Signed*, Richd. West. *Endorsed*, Reed. 13th Feb., Read 13th June, 1722. 2 pp. [C.O. 37, 10. No. 31.]

Feb. 13. **48.** Mr. Popple to Governor Shute. My Lords Commissioners have read a letter from Mr. Newman to me, with the extract of one from you to him, in relation to the Act for powder money to be collected in New Hampshire and the Additional Instruction *etc.* Their Lordships thought my letter of 18th Aug. last, might have been sufficient to have explain'd the difficulties mentioned in Mr. Newman's memorial (27th July) *etc.* But since you have thought that the Additional

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Instruction was a sufficient authority to you to suspend the execution of the foremention'd Act, I am further to inform you that the said Act having been pass'd in 1702, and confirm'd in 1706, the Additional Instruction of 1717, could have no retrospect to the foresaid Act ; Besides 'tis plain from the very words of the Instruction, that the restriction therein mention'd, only relates to such Acts as should be pass'd for the future, and therefore their Lordships are of opinion that you ought to take care that the said Act be punctually put in execution according to the true intent and meaning thereof. [C.O. 5, 915. pp. 334, 335.]

Feb. 13. **49.** Lord Carteret to Governor Hart. Mathew Mills, Wm. Whitehall. McDowell, Joseph King, Mrs. Susanna Cole and Mrs. Anne Parsons are to remain in quiet enjoyment of the lands granted them in the late French part of St. Christophers, till H.M. shall think fit how to dispose thereof *etc.* as Dec. 22, 1721. *Signed*, Carteret. [C.O. 324, 34. pp. 99, 100.]

Feb. 14. **50.** Council of Trade and Plantations to Lord Carteret. Whitehall. Mr. Burnet having 16th Oct. last repeated his instances for obtaining a supply of stores of war for the garrisons [*at New York*], and having since desired, 2nd of Dec., two additional companies of soldiers to be sent thither, as the only effectual security against the designs of the French, and sure means to keep the Indians true to us by disposing garrisons in proper posts in their country, we take leave to inform your Lordship that we did write to the late Mr. Secretary Craggs concerning the said stores of war on the 14th of Dec., 1720 ; and if H.M. has not already given any orders concerning the same, we must desire your Lordship wou'd be pleas'd to receive his commands thereupon. Your Lordship[s] will perceive by the inclosed list what Mr. Burnet demands, which having been referr'd to the consideration of the Board of Ordnance they made 1st July, 1720, an estimate and representation thereon. *Quoted.* But as their present necessities seem to require an immediate supply ; we would humbly propose that H.M. may be pleas'd to grant them this further assistance and that Mr. Burnet shou'd be directed to engage the Assembly of New York to make good whatever expence H.M. may be put to upon this occasion. As to what concerns the two Companies, *refer to representation of 8th Sept. proposing an augmentation of forces on the Northern and Southern confines, and to Governor Burnet's letters of 16th Oct. and 2nd Dec. 1721, and Mr. Kennedy's Memorial enclosed.* [C.O. 5, 1124. pp. 276-279.]

Feb. 16. **51.** Governor Nicholson to the Council of Trade and Plan- Whitehall. tations. The Assembly mett the 25th of last month and it is proposed they will break up next Saturday the 24th instant

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there being several things of moment before them. The Committee of Correspondence by order of the Assembly now write to John Lloyd and send him several papers *etc.* and he is to wait upon your Lordships concerning them and give an account why Francis Yonge Esq., could not come by this opportunity, but I hope in God he will depart hence in about three weeks by him will be transmitted to your Lordships a full acct. of all our affairs *etc.* Signed, Fr. Nicholson. Endorsed, Reed. Read 20th April, 1722. 1 p. [C.O. 5, 358. ff. 123, 124v.; and (abstract, with note for reply) 5, 406. p. 4.]

Feb. 16. **52.** Bryan Wheelock to Mr. West. Encloses extract of letter of Governor Sir N. Lawes, with a printed copy of the Act of Jamaica, *to encourage the settling of the N.E. part of this Island*, for his opinion thereupon. [C.O. 138, 16. p. 404.]

Feb. 17. **53.** Mr. Popple to Mr. West. *Asks for his opinion upon following case:* Several laws of Jamaica were confirm'd in 1684 for 21 years only, during which time, in 1688, a Revenue Act pass'd, supposed to have been perpetual, but never confirm'd by the Crown. In 1703 a new Revenue Act pass'd for the space of one and twenty years, whereby all the Laws of Jamaica formerly confirm'd for 21 years by K. Charles II. were further continued for the term of that Act, which was for one and twenty years more, excepting a Revenue Act pass'd in 1683, and a subsequent Act in 1688, which are repeal'd by the above-mentioned law of 1703. But the last mention'd law being only temporary, and it being expressly declar'd therein, that the said Act and all and every clause or clauses therein contain'd, shall be and remain in force for the space of 21 years from 1st Oct., 1703. *Query*, Whether the two Revenue Acts of 1683 and 1688 thereby intended to be repeal'd, are absolutely repeal'd, or only suspended during the time prescribed for the continuance of the Act in 1703. [C.O. 138, 16. pp. 404, 405.]

[Feb. 20.] **54.** [Lt. Col. Laurence Armstrong to the Council of Trade and Plantations]. A list of the vessels that fished at Cansoe in 1721, and fish exported, and of families that intended to settle on that coast. Vessels, 88; burthen, 1,079; men, 602; fish carried to Lisbon, Bilboa *etc.* 20,972 quintals; besides many open boats carrying fish to Jamaica *etc.* Supplied by Lt. Col. Armstrong to demonstrate how much advantage Cansoe will be to the Crown in time. It is capable of becoming one of the great ports of North America. *Refers to his great losses by shipwreck and great trouble in settling it etc.* (v. 18th May). Signed, L. Armstrong. Endorsed, Reed. Read 20th Feb., 172½. 2 large pp. in one. [C.O. 217, 4. ff. 44, 44v.]

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[Feb. 20.] **55.** Extraet from the Naval Officer's Books, of the exports from Madera and the Western Islands to Pennsylvania Xtnas 1718-1720. *Signed*, Tho. Greeme, Naval Officer. Philadelphia, Jan. 6, 1721. *Endorsed*, Reed. 20th Feb., Read 5th July, 1722. 2 pp. [C.O. 5, 1266. ff. 54, 55, 55v.]

Feb. 22. **56.** Council of Trade and Plantations to Governor Burnet. Whitehall. Enclose Order in Council, 20th Jan., repealing three Acts of New Jersey *etc.*, together with a copy of their Representation, 10th Jan. [C.O. 5, 996. pp. 111, 112.]

Feb. 23. **57.** William Tryon to Mr. Popple. Recommends Mr. Mayo, in relation to enclosed, who is going to reside in North America *etc.* *Signed*, Willm. Tryon. *Endorsed*, Reed. 14th Feb., Read 17th April, 1722. 1 p. *Enclosed*,

57. i (a) Proposals for printing by subscription, a new large and correct map of the Island of Barbadoes in America; with a particular and exact plan of the Bridge-Town *etc.*, by William Mayo. The Royal Society, upon communicating the Map to them, ordered him the thanks of that illustrious body. It is proposed that a prospect of Codrington College *etc.* shall be added by way of embellishment to the engraving which is to be at least five feet long. Price to subscribers, two guineas each map *etc.* London. Nov. 20, 1721.

57. i. (b) *Verso*. Copy of H.M. license to William Mayo for the sole privilege of publishing said Map. *Counter-signed*, Townshend. St. James's, 11th Nov., 1721. *Printed*. 2 pp. [C.O. 28, 17. ff. 251, 252-253v.]

Feb. 26. **58.** Lord Carteret to Lt. Govr. Spotswood. I received on Whitehall. the 28th January your letter of the 20th November last, wherein you desire to know H.M. pleasure, and the opinion of his Council at Law for your direction how to proceed upon the petition lately presented to the Genl. Court of Virginia by sundry of the rebels taken at Preston and transported to Virginia, demanding their freedom after five years, by vertue of the Laws of the Colony, under pretence of their not having entered into indentures. Having referred this matter to the Attorney General, *encloses* his report with copies of the petitions signed by the sd. rebels at the time that they submitted themselves and implored H.M. clemency on such condition as H.M. should think fit. As these petitions do imply their consent to their transportation, the petition lately presented to the Genl. Court of Virginia can have no weight; and it is H.M. pleasure, that they should remain servants according to the certificates given by you to their masters, that the said masters may not be defrauded by having relied upon the faith of those certificates, which you gave pursuant to H.M. directions, and which must

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be interpreted to contain the condition, upon which H.M. granted the prayer of the said Rebels' petition for mercy. H.M. has approved your conduct hitherto in this particular, and you will proceed to act, in this case, as you are hereby directed. *Signed, Carteret. Annexed,*

58. i. Mr. Attorney General to Lord Carteret. Feb. 17, 1721. *Report referred to in preceding.* Several persons taken in the Rebellion at Preston in 1715 being prisoners some at Lancaster some at Chester made their humble application to H.M. by several petitions confessing their guilt, and praying that instead of bringing them to tryal, H.M. would grant them their lives, and transport them to some other part of his Dominions, or to annex such other conditions to H.M. mercy, as H.M. should think fit. The conditions H.M. was pleased to require were, that they should be transported for seven years, and that they should serve for seven years; This appears by the letter of Earl Stanhope, whereby he signified H.M. pleasure that as well such of those rebels as had signed no indentures in England, as those who had, should be sold there for the term of seven years, and that to intitle the purchasers of the former, which were the greater number, Colonel Spotswood should give certificates, that they were pursuant to H.M. pleasure to continue as servants for that time. This order is binding on these persons as far as they could bind themselves by their own consent; for they having applied to the King, that he would spare their lives on any condition he should think proper, and H.M. having required this of them, they have in effect consented to this very thing; the question then will be whether by their own consent persons may not oblige themselves to serve seven years, tho' not bound by indenture, notwithstanding the Law of Virginia, whereby servants not bound by indenture are not obliged to serve above five years *etc.* I should apprehend a person by consent may waive the benefit of the Law *etc.* I think if their petitions were sent over, there is plain evidence of such consent *etc.* *Signed, Robt. Raymond. Copy.*

58. ii. Attested copies of five petitions of Rebels to the King in the terms quoted above. [*C.O.* 324, 34. pp. 100-106.]

Feb. 27. 59. Mr. Kay to Mr. Popple. In reply to his letter to Mr. Rhode Island. Birchfield of 26th June, 1719, directing him to transmit the Acts of Rhode Island which are prejudicial to Great Britain, *refers to* an Act lately made for issuing out £40,000 "after that the neighbouring Governm^{ts}. immediatly under the King,

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had received orders to make no such money, and having passed such another Act before *etc.*, there is now out in bills of credit upon this Colony £80,000, lett out to interest att five pr. cent: and made lawfull currt. money of this Colony; By which the produce of the countrey is rais'd to an extraordinary price; and the present inhabitants, buy up all the waiste lands; which keep out all others of the King's good subjects; and will never be improv'd, butt by themselves. I presume the merchants will lay their ease before the Lords Commissioners of Trade" *etc.* *Signed*, Nathl. Kay. *Endorsed*, Reed. 18th April, Read 9th May, 1722. 3 pp. *Enclosed*,

59. i. Copy of Act of Rhode Island for raising and emitting £40,000 in bills of credit, by way of loan. *Endorsed as preceding*. 6 $\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 37-42v],

Feb. 27. **60.** Mr. Wheelock to Mr. West. My Lords Commrs. being Whitehall. pressed for their report concerning the Revenue Act of Jamaica, desire *reply to 17th etc.* [C.O. 138, 16. p. 406.]

Feb. 28. **61.** H.M. Warrant granting leave of absence from Virginia St. James's. to William Byrd for 18 months. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. p. 108.]

March 2. **62.** Mr. Wheelock to Attorney and Solicitor General. Asks Whitehall. for opinion on Revenue Acts of Jamaica in same terms as *Feb. 17. q.v.* [C.O. 138, 16. pp. 407, 408.]

March 2. **63.** Mr. West to the Council of Trade and Plantations. Reply to enquiry of 17th Feb. as to Acts of Jamaica. I think it is most certain that one of the two Revenue Acts, 1688 or 1703 must be still in force *etc.* *Signed*, Richd. West. *Endorsed*, Reed. Read 2nd March, 172 $\frac{1}{2}$. 4 pp. [C.O. 137, 14. ff. 108-109v., 110v.]

March 2. **64.** Mr. Weseomb, Secretary to the South Sea Company, South Sea House, to Mr. Popple. The South Sea Company finding by letters lately receiv'd from their Agents at Jamaica that new impositions are laid upon all negroes imported into as well as exported from that Island, which will greatly affect them in carrying on the Assiento, desire you will acquaint me whether any Instructions be given to the present Governor for restraining the passing any bills there which may prejudice the said Company *etc.* *Signed*, D. Weseomb. *Endorsed*, Reed. 3rd March, 172 $\frac{1}{2}$. 1 p. [C.O. 137, 14. ff. 111, 112v.]

March 4. **65.** Order of King in Council. Appointing William Cockburne to the Council of Jamaica in the room of Samuel Moore St. James's. (v. 8th Feb.) *Signed*, Edward Southwell. *Endorsed*, Reed. 23rd, Read 24th April, 1722. 2 pp. [C.O. 137, 14. ff. 137, 137v, 138v.]

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March 5.

66. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply* to enquiry of 2nd March. We are of opinion yt. notwithstanding the (*Revenue*) Act (of *Jamaica*) of 1703 is but a temporary law, yet it appears by a clause subsequent to that which declares the said Act to be temporary to have been the intention of the law-makers absolutely to repeal the two former Revenue Acts of 1683 and 1688, and consequently that they will not revive upon the expiration of the Act of 1703; in case that should be doubtfull, yet we apprehend it not proper to hazard a matter of so great consequence upon a question of this kind, but it seems most advisable to procure an Act of Assembly to be passed in order to prevent difficulties which may otherwise arise. *Signed*, Rob. Raymond, P. Yorke. *Endorsed*, Reed. Read 7th March, 1721½. 1 p. *Enclosed*.

66. i. Bryan Wheelock to Mr. Attorney and Mr. Solicitor General. Duplicate of March 2nd.

66. ii. Henry Duke of Portland to Lord Carteret. Copy of No. 44. i.

66. iii. Copy of two last clauses of an Act of Jamaica, 1703, for raising a Revenue etc. 2 pp. [*C.O.* 137, 14. ff. 117, 119-120, 121-122v., 124v.]

March 6.

67. Copy of Governor Sir N. Lawes Instructions, 16th Jan., 1718, relating to a duty upon negroes in Jamaica (v. 2nd March). *Endorsed*, Reed. (from ye Lord Carteret's Office) 6th March, 1721½. 4½ pp. [*C.O.* 137, 14. ff. 113-115, 116v.]

March 6.

Boston.

68. Capt. Southack to Mr. Popple. *Encloses* following and map promised 10th Jan. The several collers of paint doth distinguish the Colonies granted by Letters Patents as I find them in books recorded etc. *Signed*, Cyprian Southack. *Endorsed*, Reed. 18th May, Read 5th July, 1722. *Holograph*. 1 p. *Enclosed*,

68. i. *Same* to *Same*. At the desire of the Governour and Council I have answered the 9th and 10th Queries, sent from your honourable Bound (*Board*) (ix) Feb. 4, 1720. Quebeck is small, tho' now very strong, a stone wall all round it etc. *Fortifications described*. As to Cape Breton Island their is three places marked out for forts, but no fort built as yet, Fort Louis Bourg, Fort St. Peters and Fort St. Anne, at Louis Bourg is 50 guns on the Bank not mounted, St. Peters 10, St. Anne 20. *Situation of Cape Breton described*. *Recommends a survey from our frontiers to Lake Chaplain and settlement of forts along the coast of Nova Scotia*, "to secure the Fishery and if like of warr all hands to take Cape Breton, for it will be a dangerous place to all New England if not taken there will come from

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France some thousands under the pretence to go to Messassipe will settle in Eastern parts, or why have the French built so many churches at Noragwage, Ponobseot, Passamaguby and St. John in the Bay of Fundy, which is the reason of the Bishops of Quebeck sends his letters to all the Mesenerarys for the several Nations of Indians for to insist on large boundaries from the English. Gentlemen, to gain the Indians on our side is to sell them no rum, nor to chett them in way of trade, and to lett them know if they live in our Government the English will be their master." Report upon strength and form of government of French settlements *ut supra*. *Concludes*: This is some minutes I made on my voyage to Quebec as Commissioner concerning the boundaries of Nova Scotia in 1718 *etc.* Signed, Cyprian Southack. *Endorsed as preceding.* 6 $\frac{1}{4}$ pp. [C.O. 5, 868. ff. 224, 225v., 226, 227, 228, 229, 229v.]

- March 6. **69.** Mr. Popple to Daniel Wescomb. *Reply to 3rd March.*
 Whitehall. *Encloses* copies of 20th and 85th Articles of Duke of Portland's Instructions. *Continues*:—But finding on enquiry at the Secretary's Office, that upon the report of my Lords Commissioners of Trade, 21st Dec., 1717, relating to the duties laid on negroes in Jamaica, complained of by the South Sea Company, an additional Instruction was prepar'd and sent by one of H.M. Principal Secretaries of State to Sr. Nicholas Lawes, particularly relating to the passing of Acts for laying duties on negroes, and the said additional Instruction not having been communicated to this Office, the substance of it has not been inserted in the draught of Instructions prepar'd here for my Lord Duke, so that it may be proper for the Company to apply for having the said additional Instruction renewed. [C.O. 138, 16. pp. 409, 410.]
- March 6. **70.** Wm. Popple to Joseph Jenks, Richard Partridge and
 Whitehall. Jer. Dummer, Invites them to bring in writing what they may have to offer to the Board upon the disputed boundaries (*v.* 19th Feb.) [C.O. 5, 1293. pp. 242, 243.]
- March 6. **71.** Petition of John Conrad Weiser to the Council of Trade and Plantations. Prays for a testimonial to his solicitation upon behalf of the German Protestant Refugees in New York, he being about to return thither *etc.* *Endorsed*, Reed. 6th March, Read 18th May, 1722. 1 p. [C.O. 5, 1053. ff. 58, 59v.]
- March 8. **72.** Council of Trade and Plantations to the Lords Com-
 Whitehall. missioners of the Treasury. *Enclose* Office accounts from Lady day to Christmas, 1721. There was then three months salary due to the Secretary and other officers *etc.* *Accounts annexed.* [C.O. 389, 37. pp. 214–216.]

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March 13.

Boston,
N. England

73. Governor Shute to the Council of Trade and Plantations. *Refers* to letter of 13th Dec. *Continues*: The inclosed letters will give plain demonstration that my suspicions (*that Mons. Vaudreuil did underhand stir up the neighbouring Indians*) were well grounded. I have sent your Lordships well attested copys, not daring to send the originals and run the risque of the sea *etc.* These letters were found in Monsr. Ralé's house a French Jesuite who constantly resides among my neighbouring Indians and is using his utmost indeavours to engage them in a war against the English. Your Lordshps. will observe that the French Government (in the inclosed letters) advise the Indians to drive the English off from their lands *etc.*; those lands are lands which the English have long since purchased of the Indians, and have good deeds to produce for the same: and have also erected some forts thereupon, *etc.* The said lands have been at several Genll. Meetings of the Indians and English confirmed to them, and once since my being Governour of these Provinces; as will appear by the inclosed Treaty of the 19th August 1717, *etc.* Full credence ought to be given to Monsr. Vaudreuil's letters, I being well acquainted with his hand, having received several letters from him, *etc.* As for Monsr. Negon the Intendant's letter I cannot speak so plumply to it, because I never had any correspondence with him, but am well informed the original is of his writing, *etc.* In a peice of a letter where the name and date were cutt out there is mention made of one Charlevoix who comes from the Court of France in the quality of an Inspector, to make memoirs on Acady and Messisipi and the other countrys thereabouts. The Indians have lately killed some of our cattle and threaten our Eastern Settlements, so that I am under some apprehension that a war will break out this summer *etc.*, except some measures be taken to oblige the French Government at Canada to act strietly up to the stipulations agreed to, betwixt the Crowns of Great Brittain and France. *Set out*, Maine Hist. Soc. Coll. I. 37. *Signed*, Samll. Shute. *Endorsed*, Reed. 15th, Read 25th May, 1722. 3 pp. *Enclosed*,

73. i. M. de Vaudreuil, Governor of Canada, to Father Ralé (*Rallé*) at Narantsoak. Quebec, 25th Sept., (N.S.) 1721. I have received, my reverend Father, your letters of 4th Aug. and 10th and 14th Sept. I am well pleased that, in concert with the Rev. Father Superior, you have found means to re-unite all the savages and to inspire them with the firmness with which they spoke to the English at their conference with them. I am also very well pleased with the message they sent to the Governor of Boston. I am persuaded that he will be embarrassed by it and will endeavour so far as possible to avoid an answer, but it is for your savages to see what they will have to do, if he does

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not satisfy their demands. I am of opinion if they have taken a sincere resolve not to allow the English on their land, that they ought not to hesitate to chase them out of it as soon as possible and by every means since they do not prepare to withdraw of their own accord. Your people need not fear that they will lack munitions, since I send them enough, as you can see by the enclosed memorandum, and I shall continue to furnish them with other aid as needed, having orders not to let them be in want thereof, and even to assist them if the English attack them wrongfully *etc.* I am charmed that Owrené has thus distinguished himself in this Conference, and that he has laboured as he has done so that the Speech of the Nation to the English was such as it was. He will receive for his son Marquess tokens of the satisfaction I feel at his services, for I am sending him everything you have asked for him. It is not the Maluines (Malaowins) who are settling the Island of St. Johns, that Island and that of Magerlaine and others in the Gulph of St. Lawrence having been granted by the King to the Comte de St. Pierre, who is making a settlement for the cod-fishery seals and sea-cows. Therefore your Abenakis cannot expect anything from that direction. I shall consult with the Rev. Father Superior after what manner I shall receive those of your village who were attached to the English and are on their way and will reach Quebec about All Saints ; But you may depend upon it I shall make the deposed chief sensible (*je feray sentir ou dégradé*) how much I disapprove of his behaviour *etc.* P.S. You can promise a large medal of the reigning King to him that shall be chosen Chief in place of the one deposed (*au place des dégradé*). Signed, Vaudreuil. *Same endorsement. Copy. French. 2 pp.*

73. ii. Mons. Negon [*elsewhere* Bygon, Bagon, and Begon], Intendant of Canada, to Father Ralé. Quebec, 14th June, 1721 (N.S.). *Abstract.* Has written to M. Vaudreuil his views and those of Father de la Chasse as to the best course to pursue until the Conseil de Marine explain whether it is the King's intention that the French should join the Indians and support them openly against the English, or merely furnish them with provisions, as the Council has advised that M. de Vaudreuil may do in case the English make any attack upon them *etc.* M. de Vaudreuil has come down here with the Indians, and gone on to St. François and Besancourt to invite the Indians of those Missions to send deputies from their villages to consult what

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is to be done. He had a design to write to the English Governor, but since his return has changed his mind and is content to follow the principal articles of the Memorial you sent him, which are to keep themselves on their land and in the religion they have embraced, and no longer to have dissensions among themselves, but to unite to speak firmly to the English, *etc.* "He likewise thought it better that the Revd. Father de la Chase should accompany the Indians of St. François and Besancourt than Lieutenant de Croissil whom he brought with him with a design to send him with those Indians, because the journey of the R. F. de la Chase is of no consequence as regards the English, the Treaty of Peace not preventing one Missionary from going to see another in his Mission; Whereas if a French officer were sent they might complain that we send Frenchmen into a country which they pretend to belong to them in order to rouse the Indians to make war on them, on which we think it is convenient to await the orders of the Court, seeing you cannot abandon your Mission to come yourself to communicate your thoughts on this subject and that it is difficult to explain them amply enough by a letter and consequently to instruct us in what you may know of the rules we must limit ourselves by, we thought the journey of the Rev. Father de la Chase very convenient at this juncture, that he may thoroughly acquaint you with the methods that we think we are obliged to use towards the English *etc.* M. de Vaudreuil has read to your Indians and to them that accompanied them the Memorial he sends you containing his Speech, that they may no longer say that it is that of their Missionary: we believe you will find it in the sense you proposed it. I caused a blanket, a shirt, a pair of mittens, tobacco, powder and shot to be given to each of the five Indians you sent, and I believe they returned contented and with good intentions *etc.* Nothing is better approved of, than what you said to the Indians, upon the news of the English Governor, your great enemy being turned out; I wish his successor may prove more reasonable, and that he may let you and your Indians live in quiet: This is to be wished for till we are well instructed if it be the King's intention that we openly join with the Indians against them, if they attack them wrongfully. Because in the interim we cannot assist but by ammunition which we shall give them and they may depend that we will not let them want. In respect to Taxus, I find you had great reason to

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use him as you did, and you could not be less firm than you were, it being necessary to have no regard for those that appear more attached to the English than to us, *etc.* P.S. The Indians of St. François and Besancourt having asked M. de Vaudreuil that M. de Croissil [*Decrouil*] should go with them, to be a witness of their good disposition, he consented, and he is joined with the Rev. Father de la Chasse." *Signed*, Negon. *Same endorsement. Copy. French. 2 pp.*

73. iii. Conference held between Governor Shute and the Eastern Indians on Arrowsmith Island, Aug. 9, 1717. *Same endorsement. Printed* "by B. Greene *etc.*, and sold by Benj. Eliot, at his shop below the Town-house." 13 small quarto *pp.* [*C.O.* 5, 868. *ff.* 188-190v., 191v.-193v., 194v.-201v.]

- March 13. 74. Capt. Southack to Mr. Popple. Duplicate of March
Boston. 6th. *Endorsed*, Recd. 15th May, Read 5th July, 1722. 1 *p.*
[*C.O.* 5, 868. *ff.* 230v., 231v.]

- March 13. 75. Governor Shute to Mr. Popple. *Encloses following.*
Boston. There has been two Sessions of the General Assembly since I wrote last to you, but not the least mention made of the choice of a new Agent *etc.* *Signed*, Samll. Shute. *Endorsed*, Recd. 15th, Read 25th May, 1722. $\frac{1}{2}$ *p.* *Enclosed*,

75. i. Accounts of Samuel Penhallow, Treasurer of New Hampshire, 1719, 1720. *Total*, Recd. £2041 9s. 2d. *Expended*, £2799 14s. 9d. Examined and allowed by Committee of both Houses, 19th May, 1721. *Same endorsement. Copy. 4 pp.* [*C.O.* 5, 868. *ff.* 202, 203v.-206.]

- March 16. 76. H.M. Instructions to Governor the Duke of Portland,
St. James's. with Instructions relating to the Acts of Trade and Navigation.
[*C.O.* 5, 191. *pp.* 222-299.]

- March 17. 77. Council and Assembly of South Carolina to the Council
Charles of Trade and Plantations. We cannot be insensible how much
Town. your Lordships' time is taken up in your care and concern for H.M. Plantations, and of the great trouble this Colony has given your Lordships in particular, but we hope your Lordships will consider that this H.M. frontier Colony has been attended with such unfortunate circumstances as could not well happen to the rest *etc.* *Commend* their Agent Francis Yonge, who is to wait on the Board with this letter and his Instructions *etc.* (v. 9th March). *Conclude*: We have endeavoured all we could to have sent the Journals of the Councils proceedings but the multiplicity of business and want of Clerks has render'd it impossible, but as they are now transcribing, we doubt not but

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to send them in a month's time with those of the two Houses of Assembly. *Signed*, Arthur Middleton, P. Council, Ja. Moore, Speaker. *Endorsed*, Reed. Read 26th June, 1722. 2 pp. [C.O. 5, 358. ff. 141, 141v., 142v.]

March 17.
Bermuda.

78. Lt. Governor Hope to the Council of Trade and Plantations. I arrived here on 22nd Feb., next day the Council being assembled my Commission was read *etc.* On the 4th of March I communicated to the Council all the instructions order'd me, as likewise several others which I judge necessary for the better Government of these Islands, and for H.M. service. I cannot as yet pretend to give your Lordships any account of the present situation of these Islands. But must refer your Lordships to the dispatches of the late Governor of 7th June, 1720. Nor do I believe it is expected of me, that I can send the names of six persons qualified for supplying what vacancies may happen in the Council: I dare only affirm that those already transmitted by the late Governour, in all probability are the fittest *etc.*; for all the Members now at that board, are men recommended by him. They are the first Gentlemen of the Country; zealous and unanimous (so far as lyes in their power) to promote anything that can be thought of for the service of H.M. *etc.* I find one Robert Burton's name amongst those of the Council mentioned in my instructions, who died six years ago. *Recommends* in his room Andrew Auchenleck, recommended from time to time by the late Governor, a man of a good character, and of considerable interest, and the only parson here *etc.* I shall not fail to transmit an account of my proceedings *etc.* *Recommends* confirmation of Act to supply the deficiency of several funds, and for finishing the Governor's house and repairing the Castle and other fortifications, and for defraying the charges of these Islands, already transmitted by two different vessels *etc.* Without it, it will be impossible to support and defray the charges of the Government. *Signed*, John Hope. *Endorsed*, Reed. 14th May, Read 12th June, 1722. 3 pp. [C.O. 37, 10. No. 24; and (abstract) 37, 24. p. 9.]

March 17.
Bermuda.

79. Same to Mr. Popple. *Returns thanks* for "the favour and friendship you was pleased to show me while I was in England" *etc.* *Continues*:—If the Act mentioned in preceding does not return here soon, there will be a sort of a stop in the funds. I must beg the favour of you Sr. to make my apology to their Lorps. for my letter's not being writ with my own hand. I assure you, it is not lazyness, but it is not in my power to writ correctly and without interlineing. I must once more beg the favour of your advice in what you think may be necessary *etc.* *Signed and endorsed as preceeding.* 2½ pp. [C.O. 37, 10. No. 28; and (abstract) 37, 24. p. 9.]

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- March 18. **80.** Governor Burnet to the Council of Trade and Plantations. *Asks for* confirmation of commission he has granted to Capt. Holland to command an Independent Company, upon the decease of Captain Warren. *Continues* :—Brigadier Hunter did appoint this Gentleman to command the same company three years ago. But upon application at home, another Captain was appointed, who never came to his post, but after receiveing a year's pay sold to Captain Warren, who did not arrive till after 8 months more. This has proved so great discouragement to the old officers here, *etc.* that nothing will give them any releif, but the confirming this Commission, and obtaining H.M. Order that these commissions for the future may be held as valid, *etc.* *Set out*, N.Y. Col. Doe. V. p. 646. *Signed*, W. Burnet. *Endorsed*, Reed. 8th, Read 10th May, 1722. *Holograph* 3 pp. [C.O. 5, 1053. ff. 28-29v.]
- March 19. **81.** The King to the Governor of Jamaica. The Receiver St. James's. General is to pay the debt due to James Knight, as ordered 9th Feb., 1717, with no effect. *In same terms as* concluding sentences of 31st Jan., q.v. *Countersigned*, Carteret. [C.O. 324, 34. pp. 109-111.]
- March 21. **82.** Governor Nicholson to the Council of Trade and Plantations. *Refers to* letter of 16th Feb. *etc.* *Continues* : I have been very much indisposed of late so I humbly begg leave to referr your Lordships to Mr. Yonge for the account of this H.M. Province. I am dayly in hopes to have the honour of receiving your Lordps. commands *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. Read 22nd June, 1722. 1 p. [C.O. 5, 358. ff. 139, 140v.]
- March 25. **83.** H.M. Commission to Charles Dilke to be Lt. Governor St. James's. of Montserrat in the room of Thomas Talmash. *Countersigned*, Carteret. *Endorsed*, Reed. 9th, Read 13th June, 1722. 1½ pp. [C.O. 152, 14. ff. 131, 131v., 132v. ; and 324, 34. pp. 133, 134.]
- March 25. **84.** Petty Expenses of the Board of Trade, Dec. 25, 1721—March 25, 1722. v. *Journal of Council*. 4 pp. [C.O. 388, 78. ff. 29, 30, 35, 36, 41.]
- March 26. **85.** Lt. Governor Hope to the Council of Trade and Plantations. This day the Council being assembled Lt. Col. Samuel Smith was suspended (*nemine contradicente*) till H.M. pleasure is known. The reasons are : Upon the 19th of this month one Capt. Francis Landy was barbarously murder'd by John Lewis, son-in-law to this Lt. Coll. Smith. Next morning the Coroner summon'd a jury *etc.* When they were about their business, this Collo. Smith in an arbitrary and illegal manner, order'd

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the Coroner to turn out two of their number, and made him nominate two of his friends in their places, one of them his own relation. The Coroner who it seems did not know his duty, and the inquest being over-aw'd by the presence of so considerable a man as Collo. Smith (a Councillor, one of the Judges, and Lt. Collo. of the Militia) return'd a verdict (*enclosed*) wherein it was neither said whither the crime committed be murder or man-slaughter, or whither the criminal had surrender'd or fled. By the Attorney General's advice, I sent an order to the Coroner to call the same jury, and to specify these two particulars they had been defective in : But Collo. Smith came and with the same presumptuous arbitrary behaviour, assum'd the direction of the jury : so that the second verdict (*enclosed*) is not according as the Law directs neither *etc.* This man's behaviour has been such what by artifice, as well as openly overawing of Justice, that if ever he is admitted to sit in Council again, there will be an end of the peace and good agreement these Islands are so fam'd for : nor do I know whether his or the Governours orders may be of greatest force *etc.* The villain who committed this murder, is the same Lewis who rob'd the Marquis de Navarres of his money, and was seiz'd by Governor Craven in South Carolina, from whence he made his escape, and upon the King's most gracious pardon to pirates, surrender'd himself here, where he has not belyed his profession ever since *etc.* Signed, John Hope. *Endorsed*, Recd. 14th May, Read 13th June, 1722. 2½ pp. *Enclosed*,

85. i. (a) Coroner's inquest upon the body of Capt. Francis Landy. Pembroke Tribe, March 20, 1722. Landy died of a sword wound given him by John Lewis. Signed, *Florentius Cox, Coroner and 15 jurymen.*

(b) Further inquest upon same, March 23rd. Lewis absconded a very small time after he had given Landy the said mortal wound. *Same signatures.*

(c) Order by Governor and Council of Bermuda, 26th March, 1722. Lt. Col. Samuel Smith is suspended from sitting in Council for overawing the Coroner and jury as above. *The whole endorsed as covering letter. Copy. 3½ pp. [C.O. 37, 10. Nos. 29, 29, i.]; and (abstract with notes for reply) 37, 24. p. 10.]*

March 26.
Bermuda.

86. Lt. Governor Hope to Mr. Popple. *Refers* to suspension of Col. Smith *etc. v. preceding.* *Continues* : This sad accident has occasion'd more disorder than ever any man alive upon these Islands remembers. Col. Smith's notorious behaviour is detested by all (except his own creatures) as you may very well perceive, by the unanimity of the Council. *Urges* confirmation of Order of Council (*Encl. i. (c) preceding*) ; "or else wee shal certainly in a short time put you to as much trouble as the rest of the plantations do. God be thanked wee have no

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other restless spirits here at present, but if he is not taken down it is to be feared others will follow his example. I did not think it proper to recommend any one to supply his place till such time as I am better acquainted with the people I have to deal with: But I must renew my suit to you of getting Mr. A. Auchenleek put into Burton's room" etc. P.S. Capt. Landie is that gallant man who took the two Spanish privateers in one day, each of them of superior force to him, and brought them into Jamaica; for which he had a reward given him by the Assembly. P.S. 29th March. This day the murderer surrender'd himself to Coll. Smith's son who has brought him to town, it was impossible for him to be any longer conceal'd for by the advice of the Council I publish'd a proclamation offering £50 to anybody that would apprehend him and likewise have had the whole Militia in search of him ever since I understood that Coll. Smith and his friends protected him. *Signed, John Hope. Endorsed, Reed. 14th May, Read 13th June, 1722. Holograph. 2½ pp. [C.O. 37, 10. No. 30; and (abstract) 37, 24. p. 10.]*

March 28. **87.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Enclose following to be laid before H.M.

87. i. *Same to the King. Representation from the Duke of Portland's Memorial relating to the expiration of several laws of Jamaica. Several laws of Jamaica, among which there was a Revenue Act were confirmed by King Charles II in 1684 for the term of 21 years only, during which time, in 1688, under the Government of Christopher late Duke of Albemarle, another Revenue Act likewise passed, supposed to have been perpetual, tho' never confirmed by the Crown. All the aforesaid laws, excepting the two Revenue Acts abovementioned, would have expired in 1703, but Her late Majesty was pleased to send Instructions to her then Governor, Mr. Handasyd, to acquaint the Assembly, that in case they would agree to pass a new Revenue Act, with a suitable provision therein for the support of H.M. Government there, that she would not only be graciously pleased to continue the above-mentioned laws for the further term of 21 years more, to commence from 1703, but that she would likewise forbear to confirm the Revenue Act passed during the Duke of Albemarle's administration, of which they seemed at that time to be apprehensive, and accordingly a new Revenue Act was prepared for the term of one and twenty years, which will expire for the year mention'd for that purpose in the Duke of Portland's Memorial, which Act received the Royal assent, and by the same the aforesaid laws of Jamaica*

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were further confirmed, during the continuance of that Act, whereby likewise the two former Revenue Acts passed in 1683 and 1688 were repealed; and altho' some question in law might possibly arise whether upon the expiration of this temporary Act in 1724, the Revenue Acts of 1683 and 1688 might not revive, yet we intirely agree with your Majesty's Attorney and Solicitor General, that it would be most adviseable to procure a new Act of Assembly as well for establishing a sufficient Revenue to your Majesty, as for the further confirmation of the Laws of Jamaica depending upon the foresaid Act, to prevent any difficulties that might otherwise arise upon so important a subject; But we beg leave to observe to your Majesty, upon this occasion, that by the law of 1703, the state of the case upon this expiration with respect to the Crown, is very much altered; for altho' the Laws of Jamaica which were thereby confirmed for 21 years, will certainly expire in 1724, and the renewal of them is a grace wch. the people of Jamaica cannot reasonably expect from your Majesty, without a suitable return for the same, yet your Majesty's Attorney and Solicitor General apprehend that your Majesty's Revenue will likewise expire at the same time with the said laws, whereas before the last confirmation the Revenue of the Crown would have subsisted by vertue of one or both of the said Acts passed in 1683 and 1688, altho' the laws of Jamaica had expired at the time prefixed for their continuance by K. Charles II. However considering of what importance it is to the people of Jamaica, that the laws mentioned in the Duke of Portland's Memorial, should be further continued to them, we perswade ourselves that as well in regard to their own interest as out of duty to your Majesty, they will be induced upon the renewal thereof to grant to your Majesty a settled Revenue equal to the present expences of your Government there, And that the same may be made perpetual, or at least fixed for the term of twenty one years, as upon the last renewal. Wherefore we most humbly propose to your Majesty, that the Duke of Portland should be instructed, upon his arrival at Jamaica, to acquaint the Council and Assembly there, that your Majesty will be graciously pleased to continue their laws for a further term upon the conditions aforesaid. [C.O. 138, 16. pp. 411-415.]

March 30.
Admiralty
Office.

88. Mr. Burchett to Mr. Popple. H.M.S. *Panther*, *Falmouth*, *Solebay* being design'd convoy to Newfoundland this year, and Captn. Samuel Atkins Commandr. of the *Panther*

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being the Commodore, *asks for Heads of Enquiry and Instructions for him etc. Signed, J. Burehett. Endorsed, Reed. 3rd. Read 4th April, 1722. Addressed. 1 p. [C.O. 194, 7. ff. 36, 37v.]*

March 31.

89. Governor Phenney to the Council of Trade and Plantations. In February last arriv'd here a small brigantine of about 35 tons laded with several species of coarse goods, such as rugs, blanketts, coals, iron potts and other things suitable for the Continent of America and the Indian trade. The master calls himself Michael Bevan of Bristoll, but not having either register or cocquets of his lading, Mr. Fairfax the Collector seized and prosecuted the same to condemnation. The brigantine has been sold at publick vendue for 570 pieces of eight, but the greatest part of her lading being extreanly damag'd thro' an apparent negligence of the sd. master, the cargo seems too likely to be sold at a low rate *etc. Will send accounts etc. Signed, G. Phenney. Endorsed, Reed. 22nd May, 1722, Read 27th Jan., 1722^o. 1 p. Enclosed,*

89. i. Duplicate of Feb. 10th.

89. ii. Trial of sloop referred to in covering letter, 8th Feb. 1722. *Same endorsement. 11½ pp.*

89. iii. Minutes of Council of the Bahama Islands, 8th March, 1722. Michael Bevan's appeal was heard and dismissed. He moved for an appeal to H.M., but never appeared to enter security for the same. *Signed, W. Fairfax, Clk. Council. Same endorsement. Copy. 5 pp. [C.O. 23, 2. ff. 60-61v., 63-68v., 69v.-72, 73v.]*

April 3.

Whitelall.

90. Mr. Popple to Mr. Lowndes. Applies for 50 copies of *Act to permit the exportation of Irish linnen cloth to the Plantations etc. [C.O. 324, 10. pp. 442, 443.]*

April 3.

St. James's.

91. H.M. Commission for Hugh Drysdale to be Lt. Governor of Virginia in the room of Lt. Governor Spotswood. *Counter-signed, Carteret. Endorsed, Reed. Read 20th April, 1722. 1½ pp. [C.O. 5, 1319. No. 13; and 324, 34. p. 112.]*

April 4.

St.
Christophers.

92. Governor Hart to the Council of Trade and Plantations. The Assembly of Antigua met on Jan. 1st, and continued by several adjournments for six weeks following; in which time I met with many difficulties relating to my 33d. Instruction, which impowers me to pass any Act or Acts that shall be done by the first Assembly, to settle upon me such an additional salary as they shall think proper during the time of my Government: But as it has been the constant practice of these Assemblys to keep their Governours dependant on their favours from year to year, they were unwilling to part with what they look'd upon as a priviledge. I urg'd to them the necessity of

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supporting the dignity of a Governour, in a place where all the necessaries of life are at a most extravagant price ; and to put him beyond the least excuse of using little arts to maintain him, which I was uncapable of ; and as the Council and Assembly of that Island are compos'd of Gentlemen of a liberal education, their own reason prevail'd most with them to pass the Act inclos'd (*to lay a duty on goods imported, and for raising an annual sum for the better support of H.E. during his Government*). By this Act such duties are laid on the resident trader as they themselves proposed, which obviates any objections that may be rais'd against it as affecting trade : The scheme was their own overture, and they very well know it will not in reality be prejudicial to them ; they only advance the duty, and will take care to repay themselves in the price commodities, so that in the end it falls on the Planter, and he pays it without regret, because he do's not see it go out of his pocket as a duty impos'd upon him ; But least this Island shou'd again be visited with unseasonable weather and be so reduced as to feel the settlement of a certain sum, I made it my concern to share their fate, by making the tonnage of shipping taking off their produce the standard of my settlement ; By this method as the number of their ships will depend upon their crops, so will my income ; and it cannot be oppressive to them. The Act of Courts (*for establishing a Court of King's Bench, Common Pleas and Errors etc.*) had the greatest opposition ; the former method of recovering debts by law was so ineffectual, that the merchant was deterr'd from taking any remedy at all, where the debt was not very desperate. Besides the great decay of trade which this occasion'd, it proved an encouragement to many unwary people to involve themselves in debts to the value of their estate ; because they might pay when and how they pleas'd : the interest of these men (some of whom are in the Assembly) and the mistaken compassion of others for their circumstances, were strong motives with a majority of the Assembly to keep the proceedings of the Courts upon the old ruinous footing ; however the pains I took to convince some of them, that they wou'd find interest in justice with much difficulty succeeded ; And the Act is pass'd with such alterations, additions and omissions as remove the objections made by Mr. West to the former law : It has further two amendments, the one in favour of trade, the other of the Planter : Hitherto the produce hath been the currant money without any standard to govern the value of it. The Planters agreed upon a price at the beginning of the crop and at that price they paid it without any difference between good and bad, which was a great discouragement to improvements, and such bad sugars were generally made that (at the rate they were paid at) the merchant lost more by the returns than he gain'd by the sales ; Now, sugars are to be valu'd and paid at their worth in money, by

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which dealings will be fairer and at a greater certainty ; and the Planter find his reward for the labour of improving. The other alteration is, that, whereas to this time the first Courts held in March (which commonly is the beginning of the crop) before the creditor cou'd carry his process to the length of an execution, the time limited for issuing the writt was near expired, and the produce of the Island consumed : so that the creditor cou'd not often have the effect of his suit within the year, or the debtor must be oppress'd (as it frequently happen'd) by sale of whatever is taken in execution at an under rate for the scarcity of sugars *etc.* to purchase it : To remedy this evill the Court hereafter will commence in January, judgment will be obtain'd before March, and the debtor will have the whole crop to inable him to satisfye it : Some things in this Act may probably escape me which may still leave room for objections ; but I presume none will appear material enough to impede the Royal Sanction ; since I conceive (as it now stands) the creditors will have justice without oppression to the debtor, their trade will be reviv'd, and their lost credit restor'd ; the Planter will become honest and industrious, and this Island in a short time a flourishing Colony. By the Tax Act (*for raising a tax for paying publick debts and charges, and particularly applying the said tax*) no levies are raised but such as have been usual, nor are there any new impositions on trade. On the contrary the merchant is cas'd (as much as the state of the publick wou'd admit) of such duties as they complain'd of as burthensome or unequall : particularly, whereas by the preceeding Act the transcient trader paid 3 pr. cent. for liquors over and above the duties impos'd on liquours, and were obliged to give upon oath an account of sales without first deducting the liquour duty ; so that they paid not only a double duty but a duty upon a duty ; They are now wholly reliev'd upon this point, by an exemption of liquours from any other duty than what is particularly laid thereon : Notwithstanding this the proportion of taxes greatly exceeds what the people of late years have thought themselves able to pay, and I have the great satisfaction of having successfully mov'd them to raise so much by this Act as will go a great way towards the discharging the vast debts I found this Island loaded with, so that hereafter the incident charges of the Government will be supported without any sensible burthen either on the trader or planter ; and in case of any rupture, which may put them upon their defense, they will be well in a condition to defray the expence of it : I have had also due regard in the application of the levies to the nature of the several demands upon the Publick ; and taken care that a large debt due to the representatives of one Mutton, for a ship load of provisions taken from him by the Publick in their distress in the late wars (weh. hitherto hath not been satisfyed) shall no longer remain a reproach to the Island. I shall defer for

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a few days what I have to offer *etc.* *Signed*, Jo. Hart. *Endorsed*, Reed. 25th May, Read 13th June, 1722. 4 pp. [C.O. 152, 14. ff. 128, 129v., 130v.]

April 9.
Whitehall.

93. Lord Carteret to the Council of Trade and Plantations. You are to prepare a draught of an Instruction for his Grace the Duke of Portland, pursuant to what is proposed in your Representation of the 28th past, *etc.* *Signed*, Carteret. *Endorsed*, Reed. Read 10th April, 1722. 1p. [C.O. 137, 14. ff. 125, 126v.]

April 12.
Whitehall.

94. Mr. Popple to Mr. Burchett. In reply to 30th March, encloses following :

94. i. Heads of Enquiry for the Commodore of the Newfoundland Convoy. *Same as* April 6th, 1730. q. v. [C.O. 195, 7. pp. 79, 80.]

April 12.
Whitehall.

95. *Same* to Horatio Walpole. *Reply to* 13th Feb. Quotes 19th and 111th Articles of Governor's Instructions. *Continues* : By the Minutes of Council of Barbados it appears that upon Mr. Lowther being recall'd and leaving that Island 30th June, 1720, Mr. Cox being at that time under suspension ye late Mr. John Frere then eldest Counsellor took upon him the administration as President and continued therein till about the 5th Dec. following, for which time my Lords Commissioners apprehend Mr. Frere's Executors may claim the salary due to him as President. But as to ye salary for the time Mr. Cox has acted in that station my Lords Commrs. have no objection to ye payment thereof. [C.O. 29, 14. pp. 295-297.]

[April 12.]

96. Fifteen bonds for £500 each, taken by the Commanders of the men of war at Newfoundland, June—Sept., 1721, from masters of New England vessels, only to carry thence the men they brought with them.

Note subscribed by Capt. James Stewart, H.M.S. *Winchester*, to the bond of William Carley, Master of the sloop *Popple* of Boston. I am very credibly informed that the above-mentioned Carley did carry away from hence one John Carter belonging to the *Four Brothers*, Jno. Squarry, Master, and thereby incurred the penalty of the said bond.

Note by same to bond of Joshua Thomas, sloop *Sperma City*. Mr. Bird, Master of a ship from Biddiford, represented to the Commander of H.M.S. *Dolphin* at Fermoose, that the boat of said Thomas came on shore there the night before and carried off six men two of which belonged to him *etc.* *The whole endorsed*, Reed. (from the Admiralty Office), Read 12th April, 1722. 15 pp. [C.O. 194, 7. ff. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 52v.]

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April 13. **97.** Council of Trade and Plantations to Lord Carteret.
 Whitehall. *Reply to April 10th.* Enclose following to be laid before H.M.

97. i. *Same* to the King. Enclose following :

97. ii. Draught of Additional Instruction to Governor the Duke of Portland. Whereas an Act was passed in Jamaica, 1703, *for raising a Revenue to H.M. etc.*, for 21 years *etc.*, to commence from 1st Oct. 1703 ; and whereas it was thereby declar'd that all such laws of Jamaica as had been confirmed in Council by King Charles II, 1684, for 21 years, and were not repealed by the said Act, or before the date thereof, should also continue in force for 21 years from 1st Oct., 1703 ; Now Our will and pleasure is, that upon your arrival in Jamaica, you do represent to Our Council and the General Assembly the great importance it is of, that a perpetual Revenue be provided for the support of Our Government, equal to the present expences and contingent charges thereof, before the expiration of the aforesaid Revenue Act, in consideration whereof we shall consent to make those laws perpetual, which will otherwise expire on or about the 1st of Oct. 1724 ; But in case the General Assembly of Our said Island shall not be induc'd to make the said Revenue perpetual, which however you are to use your best endeavours to procure, and shall be willing to pass the same only for a term of years by a new Act, Our further pleasure is, that then you give your assent thereto, provided the same be not for less than 21 years, with assurance to Our said Council and General Assembly, of Our allowing in that case and confirming for the same term, all the aforesaid Acts which will otherwise expire on or about 1st Oct. 1724. [C.O. 138, 16. pp. 416-419.]

April 13. **98.** Lord Carteret to Governor Phenny. *Acknowledges*
 Whitehall. letter and enclosures of Dec. 26th last. *Continues:* H.M. approves of the care and diligence you have used, upon your arrival at Providence, for the security and good Government of that and the other Islands. I am to recommend it to you to transmit to me from time to time such further accounts as you shall judge proper for H.M. service. *Signed,* Carteret. [C.O. 324, 34. p. 113.]

April 14. **99.** Lord Carteret to Governor Burnet. The Lords Commrs.
 Whitehall. of the Admiralty being informed that there be several perquisites of Admiralty in the hands of persons in New York, who are not authorized to receive the same, and praying H.M. directions may be sent to you to assist Archibald Cummings, Agent for the rights and perquisites of Admty in those parts, in the

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recovery thereof and in the further execution of his office, you are to assist him accordingly. *Signed*, Carteret. [C.O. 324, 34. pp. 113, 114.]

April 14. **100.** Similar letter to the Governor and Company of Rhode Island. [C.O. 324, 34. p. 114.]

[April 16] **101.** William Nivine to the Council of Trade and Plantations. *Prays* for a speedy report upon several Acts of Antegoa, Mountserratt and St. Christophers which have been depending for a considerable time. *Endorsed*, Reed. 16th, Read 17th April, 1722. 1 p. [C.O. 152, 14. ff. 96, 97v.]

April 16. **102.** Bryan Wheelock to Sir Robert Raymond, Attorney General. My Lords Commrs. for Trade and Plantations being now preparing the draughts of Instructions relating to the Acts of Trade and Navigation, which they propose to be renew'd to H.M. Colonies of Connecticut and Rhode Island, and likewise the draught of an Instruction, to the Governor of the Massachusetts Bay, conformable to that given in 1697, to the late Earl of Bellomont, then Governor of that Province, *encloses* copies of bond referred to in said Instruction, and that of 1702, and desires a draft of a bond proper to be required on this occasion from the Governors of Rhode Island and Connecticut *etc.* [C.O. 5, 1293. pp. 243, 244.]

April 16. **103.** Lord Carteret to Governor Sir N. Lawes. The Marquis de Pozobueno the Spanish Minister here having represented to H.M., that a Spanish ship, the *Notre Dame de la Conception et les ames* belonging to Don François Chrisostome de la Torre, was taken, the 4th of July, 1720, by William Laurent, a privateer of Jamaica, that the same was done contrary to the Treaty for the suspension of arms, and that several proceedings have been had thereupon, both in the Court of Admiralty of Jamaica, and before the Governor and Council of that Island, but that the final determination of that affair hath been industriously delayed, in order to defraud the Proprietors of their right, it is H.M. pleasure, that if upon an exact enquiry of this seizure *etc.*, the same shall not appear to you to have been strictly justifiable, you should cause restitution of the ship and cargo to be made *etc.* *Refers to enclosure.* *Concludes*: You will observe therein the delays and difficulties which are complained of in the bringing this matter to a final issue; wherefore H.M. expects, that you should transmit hither the reasons of such delays, and use your endeavours that speedy and impartial justice may be done. *Signed*, Carteret. *Annexed*,

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103. i. Don Roberto Shée, Agent for Don François Chrysostome de la Torre, Receiver General of the Canary Islands, to the Marquis de Pozobueno. London. 2nd Nov., 1721. Complaint referred to in preceding. *French.* 4½ pp. [C.O. 324, 34. pp. 127-133.]

April 17. **104.** Petition of Col. Vetch and others, in behalf of themselves and other Officers who served in the Expedition against Port Royal, to the Council of Trade and Plantations. Pray for a short day to be heard upon their petition, which was referred to the Board 21st July, 1719. *Signed*, Richard Mullins, Cha. Davison, Robert Kempe, Cha. Bruce, Peter Capon, Alex. Wilson, Cutts Hassan. *Endorsed*, Recd. 17th April 1722, Read 5th March, 1722½. 1 p. [C.O. 217, 4. ff. 178, 179v.]

April 18. **105.** Council of Trade and Plantations to the Board of Whitehall. Ordnance. Enquire whether the Engineer ordered for Carolina or any other, has gone since the Governor sailed for Carolina, "where H.M. service may extremely suffer for want of such an officer" etc. [C.O. 5, 400. p. 146.]

April 18. **106.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Enclose* copy of President Cox's letter, 9th Feb., giving a further account of the disorderly state of Barbados etc. *Continue*: We are of opinion H.M. service will require that Mr. Worseley be dispatch[ed] to that Government as soon as possible etc. [C.O. 29, 14. p. 299.]

April 18. **107.** Lord Carteret to the Council of Trade and Plantations. Whitehall. Mr. Popple your Secretary having, by reason of his indispositions, desired H.M. leave to resign his office to Alured Popple, his son, H.M., in consideration of his faithfull services, is pleased to grant him his request etc. *Signed*, Carteret. *Endorsed*, Recd. 18th, Read 19th April, 1722. 1 p. [C.O. 388, 78. ff. 23, 24v; and 389, 37. p. 216.]

April 19. **108.** Council of Trade and Plantations to Lord Carteret. Whitehall. *Reply to preceding.* We find ourselves under a necessity of representing the great hardships and difficulties the Board would lye under should H.M. resolve to persist in his present intentions. We shall not my Lord insist upon the right which our predecessors in this Office might have claim'd to the nomination of their own Secretary, tho' we find by our books, that Mr. William Popple's father the first Secretary to this Board, was nominated by the then Commissioners and altho' it be true that Mr. Will. Popple by a signification of her late Majesty's pleasure from the Earl of Sunderland then Secretary of State was upon his father's resignation admitted by the Board to be their Secretary, yet his pretensions were

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very different from his sons to whom he would now resign that Office for Mr. Will Popple was then Deputy Secretary to the Board, and had by many years service and experience qualify'd himself for the discharge of his duty. Whereas his son is at present the youngest Clerk but one in our Office, and was appointed by the Board so lately as the year 1717. For which reasons we cannot pass over the pretensions of our Deputy Secretary Mr. Wheelock who in our humble opinion has a much better right and is infinitely better qualify'd to succeed *etc.* *Enclose following Memorial. Conclude:* Wherefore as well in regard to the difficulty or rather impossibility of going forwards with the business of the Office by the assistance of so young and unexperienc'd a Secretary, as with respect with the justice due to Mr. Wheelock, we could not avoid laying the true state of this matter before your Lordship, and we do earnestly entreat you to lay the same before H.M. whereupon we flatter ourselves H.M. may be prevail'd upon to withdraw his orders in favour of Mr. Alured Popple. [C.O. 389, 37. pp. 217-219.]

[April 19.] **109.** Memorial of Bryan Wheelock, Deputy Secretary or First Clerk to this Honble. Board, to the Council of Trade and Plantations. Memorialist, being inform'd that Mr. Popple, in consideration of his indisposition and being unable longer to attend the service of the Office, obtained H.M. leave to resign to his son Mr. Alured Popple his place of Secretary, represents that he has served the Board diligently for upwards of 20 years. His firm adherence to the interest of H.M. and the Protestant Succession is well known; and a particular instance thereof before the House of Lords in the last year of her late Majesty's reign was the occasion of his being then dismiss'd from his employment, and one of the reasons for his being not only restored but advanced to the place of Deputy Secretary to your Lordps. upon H.M. happy accession to the throne. Alured Popple was admitted as Junior Clerk in 1717 and is now the last but one in the Office. *Prays* to be recommended for office of Secretary in accordance with his diligence, fidelity, zeal and seniority. *Signed*, Bryan Wheelock. *Endorsed*, Reed. Read 19th April, 1722. 2 pp. [C.O. 388, 78. ff. 25, 25v., 26v.]

April 24. **110.** Board of Ordnance to the Council of Trade and Plantations. *In reply to* 18th inst., state that the Engineer first appointed did not proceed on his voyage. "We soon sent another, who arrived some time ago." *Signed*, Cha. Wills, John Armstrong. *Endorsed*, Reed. 24th., Read 26th April, 1722. 1 p. [C.O. 5, 358. ff. 125, 126v.]

April 24. **111.** Mr. Wheelock to Sir R. Raymond. *Presses for* draft of bond requested 16th April. [C.O. 5, 1293. pp. 245, 246.]

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April 26. **112.** Lord Carteret to Governor Burnet. Encloses following. *Signed, Carteret. Annexed,*
Whitehall.

112. i. Archibald Kennedy to Lord Carteret. *Refers to the miserable condition of the garrison at New York and prays for orders for bedding for them before the winter, otherwise it may be of fatal consequence to the frontiers, for it will not be in the power of the Governor or his officers to keep those troops together. Continues:* They have always been regularly supplied from the Board of Ordnance with stores till of late; how it came to be made a charge upon the Province now we know not, nor will it be possible to bring the Country to answer any charge of that kind. What remained of our last supply from that Board was ordered up by Genl. Nicholson, upon the Expedition to Canada, which was all either spoil'd or lost *etc. Signed, Archd. Kennedy.*

112. ii. Board of Ordnance to Lord Carteret. Office of Ordnance, 17th April, 1722. *Reply to his letter referring above memorial.* Governor Burnet in July, 1720 made the like demand for that Province, *etc.*, to which we made our report that the Parliament has never made any provision for those services, alledging they were able, and ought to supply themselves, nor have we any officer there. Upon extraordinary emergencies this Board has by warrant from Her late Majesty. supplied them with stores several times to the amount of £10,000 never yet repaid, which has reduced the state of stores here and occasioned a debt upon the Office, whereupon H.M. has thought fit not to give any directions therein *etc.* Should this demand be complied with, it will be a precedent for other Plantations, and bring an extra charge on this Office for which the Parliament will grant no allowance. *Signed, Cha. Wills, John Armstrong. Copy. [C.O. 324, 34. pp. 114-117].*

April 26. **113.** H. Walpole to the Lords Commissioners of the Treasury. *Reply to Representation of Assembly of New York, 20th July, (? 30th June), 1721, justifying their Treasurer for having refused to comply with the order of the Lords of the Treasury, 17th Aug., 1720, requiring him "to render an accompt to Mr. Clark my deputy" of the monies raised there for the use of the Civil Government. Continues:*—In answer I beg leave to lay before your Lordps. a naked state of the proceedings of the General Assemblys of that Province for some time past in relation to the revenues, and shall leave it to your Lordps. to consider, whether this complaint relating to my fees is not a meer pretence to prevent my deputies auditing and

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inspecting their accots. and by that means to have the collecting and disposing of the revenues entirely in their own power, *etc.* *Quotes* Instructions to Governors *etc.* *Continues*: Pursuant to these rules and H.M. Letters Patents (*to the Auditor General*), the money raised by the Province of New York from the time that it was annexed to the Crown was constantly received and audited by the Crown Officers till 1705; when the Assembly, (my Lord Cornbury being then Governor) suspecting a misapplication of the money they had given from time to time for the defence of their frontiers, and other extraordinary uses, refused to raise any more on that account unless they were allowed to put it into the hands of a Treasurer of their own appointing, and they at last obtained an order from the Board of Trade, whereby they were permitted to name their own Treasurer, when they raised extraordinary supplies for particular uses, and which were no part of H.M. constant and standing revenue. In 1709 upon the expiration of the revenue for the support of the civil Government, the Assembly further insisted upon the nomination of their own Treasurer, even for what they should also grant for that purpose, as a principal condition of their continuing the revenue; and the Lord Lovelace dying just before the determination of that revenue, Colo. Ingolsby, the Lt. Governour, was brought to consent that all the money given by the Assembly should be lodged with the country Treasurer reserving the settlement of it to the succeeding Governor. In 1710, Governor Hunter arriving there, the Assembly resolving still to enlarge their power not only continued to demand the nomination of a Treasurer, but also insisted upon the appointment of all the Officers of the revenue to the utter exclusion of all the Crown Officers, and also of all salaries, not excepting even the Governour's. These demands so injurious to the King's Prerogative and so directly contrary to H.M. Instructions, the Governor constantly rejected. But after having long resisted these arbitrary proceedings, and frequently dissolved the several Assemblies, and finding no effectual remedy applyed at home, he was at last persuaded in 1715 to agree, that the Assembly should appoint the Receiver but no other officers, and the salaries of all officers except the Governour, that the revenue should still be issued by warrants signed in Council pursuant to H.M. Instructions, but with this tacit condition to evade them, that it should be in such proportions and to such officers and other uses only, as they should ascertain in their Journals. And in an Act then passed for the support of H.M. Government there, they first declared the monies to be raised for that purpose to be accountable to the Govr. Council and Assembly and then in order to dispossess the Crown Receiver of his office, inserted a clause, that all monies whatsoever raised by virtue of any Act of General Assembly made for the support of the Government, and by the

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said Act appointed and directed to be lodged in the hands of the Receiver General, shall be issued *etc.*, By which words it is plain that unless the money so raised by Act of Assembly be appointed by the said Act to be lodged in the hands of the Receiver appointed by H.M., the said Receiver is entirely excluded from the receipt of it. And the Assembly having then and ever since taken care to direct all the monies to be raised by them to be paid into the hands of their own Treasurer, that officer has ever since been effectually deprived of the execution of his office. The only Crown Officer remaining to check their accompts being the Auditor General of the Plantations, their next step was to displace him, and accordingly with that intent in settling the fees and salaries for the respective officers by virtue of the authority they had lately assumed to themselves they artfully left out the Auditors, and took no notice at all of him conceiving no doubt that no strict accounts would be demanded by an officer thus deprived of all his ancient and established fees. But in 1717, upon my succeeding Mr. Blathwaite, I appointed a Deputy in N. York and sent Instructions to him to require of Mr. D'Peyster the Country Treasurer an accompt of the monies raised for the support of the Government to be laid before your Lordps., and after frequent instances of my Deputy, (without taking notice of the fees due for his trouble) he received the following answer *etc.* 24th July, 1718 "I know you a Gentleman so well acquainted with the affairs of the Treasurer that he is accountable to the Governor, Council, and General Assembly, which is ready to do" *etc.* So that your Lordps. will be pleased to observe, that the Treasurer thought fit to give no other answer, but that he was accountable to the Govr., Council and Assembly; But as my Deputy, by my direction, continued his application to have the money raised for H.M. use accounted for to H.M., the Assembly being alarmed at it attempted in 1719 in order to remove that only controll upon them, in a bill for continuing the revenue, to add a clause to it (declaring the Treasurer to be accountable to the Govr. Council and Assembly) *and no otherwise*, and it was with great difficulty that Govr. Hunter prevailed with them to strike out those words, *and no otherwise*. Mr. Clark my said Deputy being not yet by law excluded from his right of auditing, continued to apply to the Assembly's Treasurer to have his accots. laid before him, and having received evasive answers and at last an absolute refusall found out that the General Assembly before they broke up were come to the following resolution *etc.* : "That the Treasurer *etc.* shall account with the Govr., Council and Assembly and not with any other person or persons whatsoever." These illegal and arbitrary proceedings in violation of H.M. Prerogative, I represented to the Lords Comrs. of H.M. Treasury on 25th June, 1720, who thereupon sent lres. to the Governor and Depeyster, 17th Aug., declaring their dislike of

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the said Treasurer's behaviour, and requiring him to account forthwith with the Auditor of the Plantations for all the monies by him received for the support of H.M. Government of New York and that any further refusall or delay would be looked upon as a contempt of H.M. authority and would be proceeded against accordingly, *etc.* Governor Burnet told the Treasurer he must account accordingly, but D'peyster after having desired some days to consider of it, and advise with his friends gave at last this answer, which to prevent any mistake or misrepresentation was wrote down by my Deputy, and agreed to by D'peyster in the presence of Govr. Burnet vizt., Dec. 10, 1720. "Col. Abraham D'peyster *etc.*, upon considering the whole matter, and the several Acts of Assembly *etc.*, thought he should disoblige the Assembly if he accounted with the Deputy Auditor before they met to give their opinion thereon." However about ten days after, he thought fitt in a letter to the Lords of H.M. Treasury, 19th Dec., 1720, to assure their Lordps., that he would account with all convenient speed *etc.* At this time the Governor had recommended at home the continuation of the present Assembly, which was usually dissolved upon the appointment of a new Govr., so that there is too much reason to beleive that D'peyster's letter *etc.* was purely calculated to gain time, least his disobedience, under the authority and protection of the Assembly, might have occasioned the dissolution of it. For D'peyster has not rendered any accompt to me or my Deputy nor made the least step towards it, and no sooner had the Assembly received leave from hence for their continuance, but among other arbitrary proceedings they called upon Mr. Clark for my lres. patents and of his deputation and instructions from me, and caused the representation now before your Lordps. against my fees to be drawn up, and presented to the Gover., and then proceeded to order a bill to be drawn up entituled, An Act for discharging the late Treasurer Col. Abraham D'peyster from any further demands to be made by the Govr. Council and Assembly on account of his having been Treasurer, *etc.*, which actually passed in the Assembly on 24th July, 1721 *etc.* But the Govr. upon a representation from my Deputy has not thought fit to give his consent to it *etc.* I must leave it to your Lordps. to consider whether the pretended extravagant demand of the Auditor's fees of 5 pr. cent. seemed to be at all the question in dispute, and whether it is not plain that this representacon against the Auditor's fees has been cooked up, only to divert the resentment of the Crown against a Treasurer, who refused to account with the Officers appointed by H.M. for that purpose. As to my fees I shall entirely submit it to your Lordps. whether it is reasonable that I should audit the accompts of that Province, and keep a Deputy there without any allowance, or what allowance it is fit I should have *etc.* *Recounts history of allowance.* As to the Auditor's fees of 5 p.e. being an intolerable

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burthen *etc.*, now the Assembly have transferred the receipt of the Revenue from the Officer of the Crown to a Treasurer of their own, they have thought fit to allow to that Treasurer the five per cent., which they look upon as so heavy a burthen if paid to the Auditor *etc.* As to the deficiency of the revenue and their being unable to pay the Officers' salaries, if mine is demanded, I cannot tell why I am not as much an Officer as the rest, or why I should be deprived of my just dues rather than any others. But this I have already demonstrated to your Lordps., not to be the real ground of their complaint, *etc.* *Signed*, H. Walpole. *Copy, of later date.* 8 $\frac{3}{4}$ pp. [C.O. 5, 1085. No. 40.]

April 26. **114.** Council of Trade and Plantations to Lord Carteret. Enclose following to be laid before H.M.

114. i. *Same* to the King. *Enclose* Instructions for Governor Worseley in the usual form except some few alterations from the Instructions prepared for the late Lord Belhaven *etc.* *The 2nd Article* contains the names of the Counsellors which are the same with those inserted in Lord Belhaven's Instructions, (v. 9th Aug., 1721) except that, pursuant to your Majesty's Order in Council of 24th Aug. last, we have inserted the name of Samuel Cox Esq. and likewise left ye place of Samuel Berwick in blank, and by the death of John Frere Esq., and your Majesty having been pleas'd by Order in Council of 20th Jan. last, to remove Guy Ball and Francis Bond Esqrs. from their posts, there being three vacancies *etc.*, we have inserted ye names of Edmund Sutton, William Dottin and James Elliot Esqrs., who have been recommended to us as persons very well qualify'd to serve your Majesty in that station. *The 22nd Article* relating to Acts for striking bills of credit and issuing the same in lieu of mony as likewise to Acts whereby mony may be paid to the Governor Lt. Governor the Members of your Majesty's Council or to any other person whatsoever, is made conformable to your Majesty's Order in Council of 20th Jan. last upon the draught of Instructions for his Grace the Duke of Portland Governor of Jamaica, as is likewise the 28th Article whereby your Majesty is pleas'd to allow ye Assembly to make an addition to the Governor's salary. *The 60th and 64th Articles* relating to certificates and licences from the Lord Bishop of London for Clergymen and Schoolmasters in Barbados, are made agreeable to the Additional Instructions which in obedience to your Majesty's Order in Council of 26th Sept., we prepar'd for the late Lord Belhaven. In the 85th Article after

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the words *except Barbados* we have added the words *and Tobago* to make ye same consistent with the three following Articles which are to the sam[e] effect with another Additional Instruction we prepar'd in obedience to your Majesty's commands, 14th Oct. last, relating to the settlement of your Majesty's Island of Tobago. *And the two last clauses* of the Instructions particularly relating to the Acts of Trade and Navigation we have made answerable to ye Additional Instructions which in obedience to your Majesty's Order in Council of 2nd Oct. last, we have prepared for the Governors of your Majesty's several Plantations. *Annexed,*

114. ii. H.M. Instructions to Governor Worseley. *v. preceding and 9th Aug. 1721.*

Articles 64–60 relate to ecclesiastical benefices and schoolmasters. (60) You are not to prefer any Minister to any ecclesiastical benefice without a certificate from the Lord Bp. of London *etc.*, and if any person already prefer'd to a benefice, shall appear to you to give scandal either by his doctrine or manners, you are to use the best means for the removal of him. (61) You are to give order forthwith (if the same be not already done) that every orthodox Minister be one of the vestry in his respective parish, and that no vestry be held without him *etc.* (62) You are to enquire whether there be any Minister within your Govrmt., who preaches and administers the Sacrament in any Orthodox Church or Chapel without being in due orders, and to give account thereof to the said Bishop of London. (63) And to the end the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in that Our Island, so far as conveniently may be, we do think fit you give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices, granting licences for marriages, and probate of wills, which we have reserved to you Our Govr. *etc.* (64) And we do further direct that no Schoolmaster be hence forward permitted to come from this Kingdom, and to keep School in that Island, without the licence of the said Lord Bishop of London, and that no other person now there, or that shall come from over parts shall be admitted to keep school in Barbados, without his licence first obtained.

Articles 85–88 embody instructions for making grants of lands in Tobago, under the restrictions set out supra.

By Article 102 the Governor is directed “earnestly to endeavour the re-enacting that Law (if not already done) whereby all lands seized by process of law for

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the satisfaction of debts should be sold as formerly, by outcry; and to this purpose you are to acquaint the Assembly how sensible you are what great inconveniences and prejudices do arise to the trade of that Island by the difficulty men find in recovering their just debts, which if by good laws and a due execution of them, it be not timely remedied, will draw certain ruin upon this place, and therefore we earnestly recommend it to your care." [C.O. 29, 14. pp. 301-350.]

April 27. **115.** Mr. Attorney General to the Council of Trade and Plantations. Encloses following, as desired. *Signed*, Rob. Raymond. *Endorsed*, Reed. 28th April, Read 1st May, 1722. $\frac{1}{2}$ p. *Enclosed*,

115. i. Draught of bonds to be entered into by the Governors of Connecticut and Rhode Island, to observe the Acts of Trade *etc.* $1\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 34-36v.]

April 27. **116.** Governor Sir N. Lawes to the Council of Trade and
Jamaica. Plantations. When the last ships sail'd from hence myself and most of my family were afflicted with sickness which was the occasion of my not sending at that time seven Acts passed in the late Assembly which I have now the honour of transmitting *etc.* (i) An Act to oblige the several inhabitants of this Island to provide themselves with a sufficient number of white people or pay certain sums of money *etc.* and applying the same. This Law is framed in the usual manner with those that have already been sent home upon the like subject, and provision being therein made for subsisting H.M. officers and soldiers till the beginning of November next, I was obliged to pass that law. (ii) An Act to empower the parishioners of the parish of Kingston to erect proper buildings for a Court house and Exchange *etc.* The town of Kingston was very pressing for a law of this nature and petitioned the Council and Assembly for it. And as H.M. interest nor any other particular person is thereby prejudiced I readily gave my consent. (iii) An Act to suspend a clause in an Act for ascertaining establishing and more speedily collecting H.M. quit rents *etc.* After the House had set a considerable time I found them no ways enclined to accomplish what I had with so much earnestness in H.M. name recommended to them especially to put money into the Treasury so as to enable it to discharge the debts affecting the Government nor were they indeed at first enclined either to pass the Deficiency Law or the Additional Duty Bill so that I was put under the greatest difficulties imaginable in what manner to support the Government, and finding by the account I had from the Receiver General that it was impracticable to make a rent roll of H.M. quit rents, as I am required to do by H.M. Instructions, by reason the

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inhabitants not recording their patents and deeds in his Office as that clause (which is now repealed) directed, and a penalty of ten pounds being put upon all that shall neglect so doing, I ordered the Attorney General to bring informations against all such as had been deficient in that respect. This I knew would bring in a considerable sum to the Revenue and be a means hereafter of H.M. coming at his quit rents with more ease, but such suites affecting most of the Gentlemen of the Council and Assembly they made great clamour against it, and the Bill which is now herewith sent was brought into the Assembly to suspend the clause aforesaid. When this Bill came before the Council I communicated to them two of H.M. Instructions in relation thereto and endeavoured to perswade them all I could to reject that law, urging at the same time the low state and condition of the Government, and that it was impossible to subsist it any longer without supplies. However the Council passed the Bill and gave me their reasons in writing for so doing but I did declare to them that I would not give my consent to that law until such time the Assembly had thought fit to reimburse the Treasury. For that I was sensible the money arising by the informations I had ordered to be brought would raise a sum sufficient to discharge the greatest part of the debts affecting the Government, and since they were so obstinate in having no regard to H.M. recommendations on that head I had no other way to deal with them than by putting some penal lawes in force, which however distastefull it might be to them yet it appeared to me highly reasonable and just even if the present exigency had not required it. Thus stood matters for some days, till several Gentlemen of the Council at last assured me that if I would give my consent to this law the Assembly would throw into the Revenue a sum equal to what the informations would raise, and that the Assembly would likewise forthwith pass the additional duty bill and so they prevailed with me to give my concurrence to it, which now I heartily repent of. For tho' they did pass the additional duty bill, yet they had no regard to their engagements of reimbursing the Revenue. For soon after this Act was passed most of the Members of the House went to their own homes which occasioned several prorogations for want of the Members giving their attendance: I thereupon issued a Proclamation requiring them to attend at a short day, but I found so little regard was had to it insomuch that a sufficient number was wanting to make a House at the day appointed; this I took to be so great a slight of H.M. authority that I did (with the advice of the Council) dissolve them. (iv) An Act *for fitting out a sloop for guarding the sea-coast etc.* This Act is exactly framed as that passed last year. The country was so sensible of the benefit arising by a guard sloop continually cruising about the Island, that they have made provision in this bill to defray the charge

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of such a sloop for twelve months longer. To the passing of which bill I had no manner of objection. (v) An Act *for collecting the several outstanding debts of this Island*. This Act has a plausible title but if the Receiver General informs me rightly he finds great difficulties in putting several clauses in execution and that little money has hitherto come in to his office upon that account. However I was willing to contribute everything in my power to render the intent of that bill effectual which made me readily consent to it. (vi) An Act *for the more easy obtaining partitions of lands tenements negroes and other hereditaments in jointenancy in common and coparcenary*. The cheife end of this bill was for the releife of several persons concern'd who are entitled to a moiety of tracts of land which lay now altogether uncultivated for want of a power as is given in this bill to make a division thereof. The persons who are the Proprietors of the other moiety living in remote parts in England or Ireland, so that a writ of partition could not be served upon them, and as a sufficient time is given in this bill for them to make their appearance before final judgment passes and H.M. being no ways injured thereby but the settlement of the Island promoted I humbly recommend this law *etc.* (vii) An Act *to impose duties on several commodities and applying the same to several uses*. This Act is much the same with the others of that title formerly sent home *etc.* These are all the Laws that after so many sessions and recommendations to them came at last to any maturity. Most of their time was taken up on private peeks and animosities amongst themselves and their resentments against Mr. Attorney General carryed them at length to address me to suspend him from the execution of his office but as I was fully satisfied that address proceeded only from malice and inveteracy against him for espousing the payment of Lord Hamilton's Money and in obeying my orders in bringing the informations beforementioned and there being no manner of foundation for the rest of the allegations in the said Address I thought it not proper for me to comply with their request. The Proclamation for dissolving the Assembly incerted in the Minutes of Council *etc.* sufficiently sets forth their conduct and my reasons for parting with them. *Recommends the passing of an Act to settle Revenue in Jamaica as in previous letters.* *Continues* :—By the Receiver General's accounts herewith transmitted your Lordships may please to observe that as yet there is no money in the Treasury to defray any of Lord Hamilton's debt and that there is now due to me for salary £4375 and how it can be expected any Governour can live here without a salary I leave to your Lordships to judge especially when I do solemnly declare to your Lordships that the perquisites of my Government is not so much as bread to me so that I must have starved if I had not had a small fortune of my own to live upon which I have even in some measure exhausted

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in support of my character as H.M. Governour and in doing him service. I observe in the prints and I have it likewise from private hands that H.M. has been pleased to appoint his Grace the Duke of Portland to succeed me in this Government ; the greatest honour that could possibly have been done to me, to be succeeded by a person of his noble birth and character, his many bright and shining accomplishments will undoubtedly gain him the hearts and affections of all H.M. subjects here and his profound judgment and experience in publick affairs will render the governing part easy to him. I have only sincerely to ask that His Grace may accomplish those matters for the King and Countrey's service which it has not been in my power to effect. I have no reason to doubt of H.M. justice or your Lordships good inclinations to do me service. This emboldens me to intreat the favour of your Lordships' recommendations to H.M. for his royal letter of lycense to leave this countrey without molestation that I may return home to lay myself before His Royal fect to give an account of my stewardship. I have likewise to pray your Lordships for your recommendations to H.M. for his order that after Lord Hamilton's debt is discharged my salary may be next paid before any others. This must appear to your Lordships but highly reasonable and just for without this I presume his Grace will insist on having his salary and other exigencies of the Government discharged before mine *etc.* *Returns thanks* for the Board's many favours to himself *etc.* *Signed*, Nicholas Lawes. *Endorsed*, Reed. 23rd July, Read 15th Aug., 1722. 10½ pp. [C.O. 137, 14. ff. 145-151v.]

April 28. **117.** Bryan Wheelock, acting Secretary to the Council of
Whitehall. Trade, to Mr. West. The Commodore of the Newfoundland Convoy being directed to enquire whether the New England traders continue to entice and carry away handycraftmen, seamen and fishermen from Newfoundland to N. England ; and being for prevention of such practice instructed to require of all the masters of the New England ships and vessels who depart from Newfoundland before the convoy, respectively to enter into obligations not to carry away any of the sd. seamen *etc.*, *encloses* Articles 44 and 45 of said Heads of Enquiry and the copy of a bond taken pursuant to the said Instructions by Capt. Stewart, Sept. 1721 *etc.* The Council of Trade and Plantations desire your opinion how the said Instruction is warranted by Law, and how such of ye sd. bonds as become forfeited, are recoverable. [C.O. 195, 7. pp. 80, 81.]

April 28. **118.** Lord Carteret to the Council of Trade and Plantations.
Whitehall. The Governor, Council and principal inhabitants of the Bahama Islands having humbly pray'd, that H.M. would be pleased to grant them leave to elect an Assembly, in order to their

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being enabled thereby to raise funds for rebuilding the Fort at the Island of Providence, and for carrying on such other public works, as are necessary for the general good and support of that Colony; *you are to report your opinion upon this request etc. Signed, Carteret. Endorsed, Recd., Read 1st May, 1722. 1 p. [C.O. 23, 1. No. 40.]*

April 28.

Whitehall.
Treasury
Chambers.

119. Lords Commissioners of the Treasury to the Governor Burnet. *Reply to his letter, 20th July, 1721, transmitting Representation of Assembly of New York, 30th June, 1721, q.v., and refer to the Auditor General's reply thereto, April 26, 1722. Continue:—*We are of opinion that the behaviour of the Treasurer in not accounting according to H.M. positive Instructions to you, and the directions received from hence is a very arbitrary and unwarrantable proceeding, and a contempt of H.M. authority, and that this excuse relating to the Auditor's fees has no manner of colour or foundation in it, the revenues having ever since they were under the management of the Assembly's Treasurer exclusive of the Crown Officers been as much loaded for the expense of management, as they were while under the receipt and audit of the Crown Officers; But the true state of this matter even from the Treasurer's own evidence, as well as from the Journals and other proceedings of the Assembly, appears to be, that the Assembly having by very extraordinary methods dispossessed the Receiver of H.M. revenues constituted by letters patents of the execution of his office, and taken upon themselves to nominate an officer of their own for that purpose, in order to get the entire management and disposition of the revenues raised for the support of H.M. civil Government there independent and unaccountable to the Crown, have encouraged, supported and even directed this Receiver not to render any account to the Officer appointed by the Crown to audit the same *etc.* Wee pray and require you to take the most effectual measures, that the Treasurer of the country, or any other person or persons who have had at any time the receipt of the revenues of New York in their hands, and have not yet accounted for the same with the Auditor, do forthwith deliver to the Auditor of the Plantations or his Deputy particular and distinct accompts of the receipts and issues of the said revenues in order to be examined and allowed by him, and that the said Auditor be allowed for his care and charge in passing the said accompts at the rate of 5 pr. cent. upon the amount of the same, and all arrears thereof, out of the first mony due or to become due to H.M., which is or shall be in the hands of any Treasurer or Receiver upon any of the branches of the said revenues, and that the said proportionable allowance be established and reserved for the Auditor's fees on the amount of the accots. so to be audited by him, the said allowance appearing to us to be reasonable and

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agreeable to what was formerly settled by the Govr. and Council of New York, and to what is practised in other Colonies in America. And whereas you must needs be sensible by the Instructions given to you, and to the Govrs. of all other provinces that the Assembly have no other power relating to the disposition and management of the Revenues raised for the Government of New York, than from time to time to view and examine the accompts of the same, and whereas the behaviour of the Assembly in diverting the receipt of H.M. revenues from the officers appointed by H.M. Letters Patents and their proceedings in consequence thereof, are a very great invasion of H.M. Prerogative, and may tend to their making themselves independent of the Crown of Great Britain, we pray and require you to use your utmost endeavours to have the receipt of all the revenues of that Colony returned into the hands of the proper officers appointed by H.M. for that purpose; and you are to acquaint us from time to time in what manner these orders have been complied with, that such further measures may be taken as shall be found necessary *etc.* And H.M. having lately been pleased to constitute Archibald Kennedy Esqr. to be Collector of his revenues at New York, we desire you to take care that he gives sufficient security for the faithfull discharge of his office *etc.* *Signed, R. Walpole, R. Edgecumbe, H. Pelham. Copy, of later date. 3 pp. [C.O. 5, 1085. No. 41.]*

April 30. **120.** H.M. warrant granting leave of absence from Barbados St. James's. for 12 months to Richard Carter, Attorney General. *Counter-signed, Carteret. Copy. [C.O. 324, 34. p. 119.]*

[? April] **121.** Mr. Cox to the Council of Trade and Plantations. Since my last I have nothing to trouble your Lordships with, but a repetition of the same complaint against the members of Council, who still refuses to concur with me, and the Assembly in the administration of the Governmt., and who by their caballing and contriveing to absent sometimes some of them and sometimes others, do prevent the holding Courts of Chancery and Errors, and stop the channells of Justice; and notwithstanding my admonition according to my 11th Instruction do still persist therein. Mr. Colleton and Mr. Maycock but especially Mr. Colleton (as the inclosed deposition will shew) do avow their neglect in such an insolent rude manner, as I perswade myself, your Lordships will think unfit to be offer'd by one Gentleman to another, much less to a Commander in Chief, and one who has the honour of the Commission H.M. has been pleased to intrust me with. And unless I have good assurances of a more diligent conduct in a constant attendance on H.M. service, I shall think myself indispensibly obliged to put H.M. 11th Instruction in execution: which I shall be sorry to do now, at the latter end of my administration. *Signed,*

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Saml. Cox. *Endorsed*, Reed. 2nd, Read 4th July, 1722. *Addressed. Holograph. Without date. 1 p. Enclosed.*

121. i. Minutes of Council of Barbados, 17th April, 1722. Thomas Maycock and John Colleton were suspended for wilfully neglecting to attend *etc. Endorsed as preceding. 12 pp.*

121. ii. Deposition of Oliver Cooke, one of the Deputys of Oliver Kennedy, Provost Marshal of Barbados. 14th April, 1722. Testifies to the receipt of a summons to Council by John Colleton, at the house of Constant Kelly. Colleton said he knew nothing of his Honour Cox but that he had stolen a sheep or a ship, and that he would not come to Council *etc. Same endorsement. 1 p. [C.O. 28, 17. ff. 270, 271v-277v., 279v., 280, 281v.]*

[May 1] **122.** Memorial of Nicholas Trott to the Council of Trade and Plantations. Memorialist was Governor of the Bahama Islands 1694-7, *etc.*, and made many grants of lots for building houses in the town of Nassau, and of plantations in the country. After the destruction of the settlement in 1704, all the inhabitants, except about 60 of the poorest were forced to desert the place. Memorialist, who had lost in houses, slaves and goods about £2000 in that disaster, purchased of the Lords Proprietors and the old inhabitants large tracts of land, the quantities and boundings of which he delivered a schedule to the board of Leasees of those Islands Aug. 25, 1720, besides his Agent laid his early claim before Governor Rogers on his first arrival, which lands are the best situated, as joyning to the said town, and in command of the fort, also near the said harbour; and he is likewise owner of the Island that makes the whole harbour of Providence, which lies opposite to the town. But the Lords Proprietors having granted a lease of those Islands for 21 years from Christmas 1717 in the name of the said Governor Rogers in right of said Rogers, Mr. Gohier, Mr. Buck and four more, the said Gohier going over to that Island has taken upon him to possess some of Memorialist's chiefest lands and dispossessed several old inhabitants of their freeholds, tho' three fourths of the lots in town and lands in Providence were ungranted *etc.* Memorialist being informed that the Lords Proprietors as well as the leasees are treating with the Government for the disposal of their interest, offers his lands likewise and his interest in other valuable grants from the Lords Proprietors, and in the mean time prays H.M. order that he may be re-established in his lands *etc. Signed, Nicholas Trott. Endorsed, Reed. Read May 1st, 1722. 1 p. [C.O. 23, 1. No. 44.]*

[May 1.] **123.** Mr. Bridger to the Council of Trade and Plantations. The Act passed last Sessions, to *incourage the importation of*

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Naval Stores, permits the importation of lumber into this Kingdom duty free, which will give encouragement to the inhabitants there to cut down H.M. woods in order to convert them into boards *etc.*, unless prevented by the care of an officer knowing in the woods and country. The sd. Act has likewise taken off the duty from all hemp imported from H.M. Plantations. The people will require a skilful officer to instruct them. The present Surveyor Genl. has never been in New England nor edicated in these affairs *etc.* His deputy, Mr. Armstrong, is Collector of Customs, New Hampshire. *Prays for a recommendation to the Lords of the Treasury that he be restored to his former post etc. Endorsed, Reed. Read 1st May, 1722. 1 $\frac{3}{4}$ pp. [C.O. 323, 8. No. 28.]*

May 1.
Whitehall.

124. Council of Trade and Plantations to the King. Having in obedience to your Majesty's Order in Council of 2nd Oct. last prepared draughts of Additional Instructions for all the Governors of your Majesty's several Plantations in America, enjoying the due observance of the several Laws now in force for the regulating of Trade and Navigation, more particularly with regard to the Trade from the East Indies except to the Governors of Jamaica and Barbados, for whom we have already humbly laid before your Majesty clauses to the same purpose in their respective Instructions, relating to the Acts of Trade and Navigation, we herewith humbly lay the sd. draught before your Majesty. But we beg leave to observe to your Majesty that the Colonies of Connecticut, Rhode Island and Providence Plantation being Charter Governmts. and choosing their Governors annually have seldom paid any regard to the Laws of Trade and Navigation; Wherefore the Lords Spiritual and Temporal in Parliament, thought fit to address His late Majesty King William in the year 1697, that the Govrs. of these Colonies should be obliged to give security to observe and obey all Instructions that should be sent to them from H.M., or any acting under his authority pursuant to the several Acts of Trade relating to the Plantations, which was accordingly directed and the late Earl of Bellomont, then Govr. of ye Province of the Massachusetts Bay was order'd to take the said security. Which Instructions having of late years been discontinued; we conceived it might be for your Majesty's service to take this occasion of renewing them, and we humbly lay draughts for that purpose before your Majesty to which the Circular Instruction relating chiefly to the East India Trade is added. *Enclosed,*

124. i. (a) Draft of H.M. Additional Instructions to Governors of Plantations, directing the strict observance of the Acts of Trade and Navigation, particularly in relation to the East Indian trade (1st June.)

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(b) Additional Instruction to Governor Shute for taking security from the Governors of Connecticut and Rhode Island for the due observance of the Acts of Trade and Navigation, and form of bond therefor. *Set out*, N. J. Archives, 1st Ser. V. 46. [C.O. 324, 10. pp. 443-499.]

May 2.
St.
Christophers.

125. Governor Hart to the Council of Trade and Plantations. The Assembly of St. Christophers (upon my communicating H.M. 32d. and 33rd Articles of Instructions) immediately came to an unanimous resolution, to settle £2000 a year, without any solicitation on my part *etc.* *Encloses Act for settling £2000 per annum current money upon H.E. etc.* *Refers to* preamble for the reasons for the Assembly passing that Act. *Continues*: In order to raise the sum of £2000 *etc.*, the Assembly prepared two other bills, which I have also passed into Acts, the one to repeal an Act for raising an impost upon liquors imported and *for imposing duties upon liquors imported etc.*, the other *for laying of certain duties upon sugars, molasses and other goods of the growth and manufacture of St. Christophers to be exported.* The Act of raising an impost upon liquors is in terms the same of what was formerly pass'd in this Island; But as the application of the money raised thereon was for the use of the country, so now it is appropriated for the support of Government. The Act of laying duties upon sugars *etc.* exported lays a duty of 3s. current money upon every tierce or hogshead which generally weighs at the scale from 1400 to 1500 so that the three shillings imposed don't amount to more than 2 pr. ct. which is much the easiest duty raised in any of H.M. Plantations that I know of for the support of Government, and therefore I hope will find your Lordships' approbation. I must beg leave to remark to your Lordships, that none of H.M. subjects are so much affected by exterior show and figure as the inhabitants of the West Indies; And how wrong soever they may be in their notions in that respect, they are but too apt to form a judgment in favour or prejudice of their Governour from his expences; so I take it to be necessary to gratifye 'em in their humour in order to support the dignity of that station H.M. has honour'd me with in its full proportion; And as all the necessary's of life are for the least four times a greater price here than in Europe, and that I am incapable of taking any other measures of increasing my fortune but such as I shall acquaint your Lordships with; and that I cannot promise to myself to lay up little more than my salary in Great Britain as the reward of my services. I doubt not but these considerations will weigh in your Lordships judgments, and flatter myself, that you will favourably recommend these Acts to H.M. for His Royall assent; which when obtain'd, I shall be without any anxious solicitations for the support of my character, and be

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wholly at liberty to discharge the necessary duties of my Office *etc.* The Leeward Islands for these four years past have suffer'd very much from the almost continued dry weather during that time; I have now the pleasure to acquaint your Lordships, that since my arrival there has fallen such seasonable and plentiful showers, that they are all in a flourishing condition; and the vast quantities of sugars they make, will greatly increase H.M. Revenue. *Signed, Jo. Hart. Endorsed, Reed. 13th. Read 18th July, 1722. 3½ pp. [C.O. 152, 14. ff. 146-147v.]*

May 4.
St. James's.

126. H.M. Warrant for a grant of the Islands of Sta. Lucia and St. Vincent to John Duke of Montagu. Whereas *etc.* Our Commissioners for Trade *etc.* have represented unto us, that the said Islands are two of Our Windward Charibbee Islands, and that the Government thereof, is at present comprehended in the Commission of Our Governor of Barbado's, but neither of them having been hitherto settled they produce no revenue to Us nor any advantage to Our Kingdoms, and that it would be undoubtedly for Our service that the same should be effectually settled and planted. And whereas the Duke of Montagu hath humbly proposed to Us that (in consideration of such grant to be made by Us as is hereinafter directed) he the said Duke or his Heirs, at his or their own costs and charges, will transport 500 white people at the least into Sta. Lucia, within three years *etc.*, and settle one fourth part of the said Island within the space of 13 years, and the other fourth part within 23 years *etc.*, and that such Our grant shall be subject to conditions whereby We, Our heirs or successors may resume to Our own use, so much of one fourth part as shall remain unsettled at the expiration of the said term of 13 years, and so much of another fourth part as shall remain unsettled at the expiration of the said 23 years. And that he, his heirs *etc.* shall pay to Us *etc.* a yearly quit rent of 2/6 for every 100 acres *etc.* which shall or ought to be settled *etc.* And as to St. Vincent (wch. is at present chiefly possess'd by Indians and negro slaves, who having made their escape thither from the neighbouring Islands, are arm'd and very numerous) the Duke hath humbly proposed to make such a settlement therein within ten years as shall be sufficient to secure the possession of that Island under Our obedience, at a like quit rent of 2/6 for every 100 acres which shall be settled *etc.* No grants of lands in said Islands to be made to planters who have any settlements in Barbados or any other of the Charibbee Islands. No grant to be for more than 500 or less than 15 acres, with an obligation to cultivate one acre in 40 every year. Every grantee shall be obliged for every 40 acres to keep one white man or two white women within a year of his grant, and one white man or two white women for every 20 acres within 3 years thereof. A duty of 4½ p.e. in specie for every 5 score shall be raised upon all dead commodities of the growth or produce

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of the Islands that shall be shipped off and paid to Us *etc.* Our will and pleasure is that a grant *upon these terms be prepared* constituting the Duke, his heirs and assigns to be for ever the true and absolute Proprietaries of the said Islands ; with clauses as to his powers *etc.* *Countersigned*, R. Walpole, G. Bailey, H. Pelham. *Copy.* [C.O. 324, 49. pp. 13-35.]

May 4.

127. Charles Carrington, of New Providence, to the Council of Trade and Plantations. Memorialist moved by a desire to do his utmost for his King and Country submits a report upon the state of the Bahama Islands, “preferable to all others H.M. Colonys in America, as well for her fertile soil, as other her great utilitys in peace and warr for defence and trade.” *Describes* Nassau, and recommends the establishment of a second company and of a chaplain, and grants of lands to officers and men ; and the grant of a free port for five years ; the erection of another fort on a hill near Fort William, and one at the Exuma. About 14 miles W. of Nassau is Palatyn town, inhabited by Palatines, “an indolent, laizy tribe and good for little.” Harbour Island is “so much courted for her pure serene and healthful air, that she is proverbially called the Phisitian. If any inhabitants of other the islands have any great sickness, and have but the strength to get to this island, it is scarce in memory they have failed to recover in 15 or 20 days *etc.* In justice to others the islands, I cannot learn that naturally they any of them unhealthful ; the great occation of sickness and death which has of late been so fatal among them, seems rather to have been the unkind effects of their own deprav’d appetites and desires, excess of debauchery and drunkenness, when heated therewith have preferr’d the grass and shade, to a bed under a roof and secure cover. The evening dews and chilling breezes at such times have too often brought upon them the flux, fever and other epidemick diseases, and this, this only has given the name of the Slaughter-house.” There are about 85 families on Providence, and 70 families on the three Islands, Harbour, Islathera and Catt Island.” The natives of the Bahama’s appear to be a good-natur’d, friendly body of people, and seem only to have wanted countenance more than power or inclination, to have rais’d and preserved stock and cattle, and made better improvements in culture and trade. It is my firm belief, that good example, better usage and kind instruction, will make that Colony and people, all and whatsoever is desireable and comendable. *Recommends* that the Governor to be appointed be acceptable to the country, and not one inclined to revive old grudges and quarrels *etc.* *Recommends* that all H.M. subjects be encouraged to settle there and a proper person appointed to grant and measure out lands *etc.*, and that the Great Seal be sent to the Governor and that above all he be authorised to call

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an Assembly to raise funds for fortification *etc.* *Scheme of counties and members etc.* *Signed*, Cha. W. Carrington. *Endorsed*, Reed. 8th May, 1722. Read 27th Jan., 172 $\frac{6}{7}$. *Holograph*. 9 pp. [C.O. 23, 2. ff. 74, 75-79.]

May 5.
St. James's.

128. H.M. Commission to Charles Sibourg Esqr. to be Lt. Governor of Nevis. *Countersigned*, Carteret. *Endorsed*, Reed. 7th, Read 8th May, 1722. *Copy*. 1 $\frac{3}{4}$ pp. [C.O. 152, 14. ff. 114, 114v., 115v.]

May. 5.
Charles
Town,
South
Carolina.

129. Governor Nicholson to Charles Delafay. "Principal Secretary to the Lord Viscount Townshend." *Acknowledges* duplicate of "kind and obliging letter of 26th Jan." *Continues*: It is no surprize to me to hear that complaints have been made against me but I suppose it is by those very few that are dissatisfied with H.M. Government. As to that concerning the Dissenters in the beginning of the Journall of Assembly that affair is stated as it is left to H.M. Royall determination, which I suppose is one reason that they are dissatisfyed, in all other cases they are allowed to swear after their owne form. I hope I have not acted contrary to H.M. Royall Instructions concerning them and I begg leave to refferr you to the Honble. Francis Yonge and John Lloyd Esqrs. our Agents; as to establishing bills of creditt, *refers* to Journal and Acts of Assembly. This complaint I suppose is for the same reason as I hinted before. As to the affair concerning the sloop from Providence copys of the tryall are sent home to which I begg you to be reffered as likewise to the Agents for the accot. of this affair. The persons concerned in illegall trade may call it arbitrary when they are found guilty thereof. I had the honour to take an oath before their Exys. the late Lords Justices concerning the Acts of Trade and Navigation and my Instructions obliges me what in me lyes to prevent illegall trade. I should enlarge upon these accots. but the master of the ship by which this comes is just upon sailing *etc.* *Signed*, Fr. Nicholson. *Addressed. Sealed*. 1 $\frac{1}{2}$ pp. [C.O. 5, 387. No. 32.]

May 9.
London.

130. Mr. Lloyd to Mr. Popple. *Encloses* following "in obedience to the Lords Commrs. command." *Signed*, John Lloyd. *Endorsed*, Reed. Read 9th May, 1722. $\frac{3}{4}$ p. *Enclosed*,

130. i. Instructions for Francis Young, one of H.M. Council, and John Lloyd one of the members of the Commons House of Assembly, appointed Agents for South Carolina. (i) You are to await on Lord Carteret and the Council of Trade *etc.* and (ii) urge that the frontiers cannot be settled until the soil of this Province is vested in the Crown, for want of the same encouragement as is given in Virginia *etc.*; and also that H.M. get the property of the lands and apply the arrears of quit

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rents towards repairing the fortifications and the accruing quit-rents towards the charge of the Government, as in Virginia. In case H.M. has the property of the lands, you are to represent, how necessary it will be to have three or four regiments sent here to secure the frontiers, and that a sufficient quantity of land be assigned each officer and soldier on his arrival out of that large and uninhabited tract of good land at and near Alatomaha Fort *etc.*, and that 12 months notice be given to provide proper places for their reception *etc.* (iii) You are to endeavour to gett the enumeration of rice taken off *etc.* You may propose that the same duty may be pay'd upon the exportation of rice from hence for a revenue to the King in this Province, as is now reserved to the Crown after allowing the rebate upon exportation from South Britain, which is about 7d. on 112 lb. *etc.* (iv) You are to apply that the duty on cedar may be taken off that the importation of that useful timber which is a produce of this Province, into Great Britain, may be encouraged and that a bounty may be allowed on silk made here, in order to encourage the improvement of that manufacture which may be carried on in the Southward part of Carolina with great advantage. (v) You are to solicit the King's assent to the Laws sent with you *etc.* (vi) In case the Government of North Carolina fall under the King you are to represent the necessity of its being a dependant Government on this, by shewing how much this Province suffers by the inhabitants and slaves runing away there where they are succour'd. But in case it continues a distinct Governmt., you are to apply for the King's Orders to the Governours of Virginia, and of North and South Carolina to meet and settle the frontiers to the northward and to consult the security thereof, and that the head of the north branch of Cape Fear River and from thence by a due west line parrallel to the line of Virginia be the settled bounds for ever, and you are to show the many inconveniences and disputes which must arise from the delays of settling that affaire now the settlements are like to joyn. (vii) You are to pray his most sacred Majesty to supply this Province with great guns, powder, ball, and other ordnance stores, as also with two seven inch mortars and shells *etc.* in proportion, and to represent unto him the necessity of our being supplied therewith and also an able Engineer to put this frontier Colony in a good posture of defence, and also to inform H.M. that the General Assembly did address the Governor to commission Col. John Barn-

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well in the room of the Engineer appointed, until his arrival, at 10s. sterling pr. diem., and to pray H.M. to allow the same. (viii) You are to beseech H.M. to make a present of his picture and coat of arms to be put up in a publick building for the use of the Province, that is intended to be built in Charles Towne according to a draught sent by you, as also a sett of plate, an alter piece with the Lord's Prayer, beleif, and ten Commandments and H.M. arms and such other utensills as are usually given by the Crown to H.M. Chappells, for the new Church of Charles Towne near finished according to the plan or prospect likewise delivered to you or in case the latter cannot be obtained you are to sollicit that those things which were sent to New York by her late Majesty with Governor Nicholson for the Onandagoes and that now lye at New York not made use of may be ordered for Charles Towne Church, which you are to beseech H.M. it may be called St. George's Church and that the parish may have the same honour. (ix) You are to solieite for the reimbursement of the charges we have been at in building the fort *etc.* at Alatomaha River *etc.*, and to represent to H.M. that there is a necessity for having a fort built on St. Simonds Island where there is a good harbour in order to secure the possession of the mouth of Alatomaha River, but this countrie is not in a condition to build it or maintain either of the said forts. You are to use your utmost endeavours that H.M. may be pleased not to renew Sr. Robert Montgomery's grant at all (shewing the ill consequences thereof) or at least not without a clause to provide for his reimbursing all the charges and expenses bestowed on any buildings or settlements thereon. (x) You are to represent how little regard the Spanish Governmts. in America and particularly that of St. Augustine have had to the cessation of arms by sea, (schedule of the many ships taken by them enclosed); and likewise, that our negroes and servants are inveigled to St. Augustine in time of peace and from thence sold to the Havannah, and to pray for orders from the King of Spain to prevent the like, or for letters of reprisal. (xi) You are also to represent the dangerous consequence of the French and Spaniards eneroaching on our fronteirs and getting the Indians into their interest especially the Creeks and Cherakees which may be fatall to this Province that was reduced to very great extremitys by the late Indian warr *etc.* As they are sending 300 families from Cuba to settle about St. Augustine or the Bay of Appalachee which

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is equally pernicious to our fronteirs, we have the more reason to be allarmed, especially since the Yamasee Indians (who are wholly attached to the Spaniards and have been the ruin of many of our inhabitants to the southward) have lately refused to come into our interest and since the garrison at St. Augustine has lately been reinforced with 200 men. (xii) You are to represent the great use of the settlement at Providence to the trade of America in generall and to the trade of this Province in particular, and to pray the same may be supported for otherwise instead of being a protection to trade it will become a refuge of pyrates as heretofore, or surprized by the Spaniards either of which would be of fatall consequence. (xiii) You are to sollicit H.M. to make Port Royall a port for entring and clearing of ships and vessells for the greater conveniency of trade and support and settlement of the Southern frontiers, and that necessary officers be appointed for that coast. (xiv) You are to represent to the Lords Commrs. of Trade such difficultys as attends complying literally with some articles of the King's Instructions to the Governour particularly the Article which directs that no Act be past here where any man's property is concerned untill the King is acquainted therewith, which in many causes may be very prejudicial to H.M. subjects at so great a distance from his Royall person, or at least to the value of £300 sterl. (xv) You are to represent to the Lords of the Admty. the state of the Admty. Court here, the case of the sloops *Dolphin* and *Seaflower* try'd in that Court and of the wreck'd goods on which the warrant was not served. (xvi) You are to represent to the Lords of the Treasury and the Commrs. of the Customs the ill consequence of their officers being concerned in trade upon their own or other people's accounts the inconveniency of the Collector of the Customs or his lawfull Deputy not residing at Charles Towne, and to propose that one of the Surveyors General of the Customs in North America may be directed to visit the Custom House Officers in this Province and particularly to represent Col. William Rhett the Surveyor and Comptroller, his keeping of wharfs, building of vessells, and carrying on a trade in this Province, his late behaviour to the Governour for which we referr you to his letters. (xvii) You are to represent to the Principal Officers and Commissrs. of H.M. Navy that there is in this Province great quantitys of timber of the greatest service to the Royall Navy, as masts, yards and sparrs, which by experience

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have been found much more serviceable than those of New England and bear a less proportion in thickness to the length, that here are great quantities of timber fitt for standards which we are informed are very much wanted for the Navy, and that there is a timber in this Province called the Red Hickery Tree, which is much more durable than the English oak, and much fitter for the keels of ships, and that cypress boards which are in great plenty here, are the most durable for sheathing, and if possible to prevail on that Board to send a ship to make a tryall of the said masts, yards, *etc.*, and to obtain a bounty upon the same, and upon their resolving so to do direction be immediately sent to this Province to prepare such timber *etc.* (xviii) To shew H.M. and his Ministry that your mission is for the publick good of the Province which is inseperable from the Prerogatives of the Crown *etc.* (xix) You are to inform yourselves of the method of appealing from the Court of Admty. and other the Courts of Judicature in this Province. (xx) To represent that the Assembly are not capable to settle sallarys for the Officers, but hope the Officers will be sufficiently provided for when H.M. Revenue here is settled, and that H.M. is humbly desired to allow that which he now gives to his Governour he having been at very great expences ever since his arrival and like to be so still. (xxi) You are to represent the vast multiplicity of buisness and the small help could be had on the entire alteration of the Government in the Council Assembly *etc.* and that all was done that possibly could be done in pursuance to H.M. Instructions both in the Council and Assembly. (xxii) You are to sollicit that leave be given to this Province to pass an Act for incorporating Charles Towne as near as may be agreeable to the Charter for the City of New York, a copy of which you have as also of the laws. (xxiii) And that H.M. send over for the use of the Indian arms some small Jack flaggs of bunting, some small King's arms, and small drums with H.M. arms painted on them, it being a custom of the Spaniards and French among other things to gain the interest of the Indians. (xxiv) You are to sollicit for the Province seals for which there has been a warrant so long given out, as also for a small seal to be used by the Governor and Council for orders *etc.*, and as they are the Court of Chancery, and a press for the seals *etc.*, *etc.* *Signed*, Arthur Middleton, P. Council, Ra. Izard, Richard Beresford, T. Hepworth, Richard Allein, W. Blakeway, Andrew Allen. *Endorsed*, Reed. Read 9th May, 1722. *Copy. 10 pp. Enclosed*,

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130. i, John Lloyd to Lord Carteret. April 7th. Memorial in pursuance of preceding Instructions. *Signed*, John Lloyd. *Same endorsement*. *Copy*. $2\frac{1}{2}$ pp. [C.O. 5, 358. ff. 127, 128v.-133v, 134v.-136v.]

[May 9.] **131.** List of (142) families in Providence Island to whom Mr. Gohier has assigned land or lots. *Endorsed*, Reed. (by Mr. Doeminique from Mr. Gohier) 9th May, 1722. Entered, March 27, 1724. $1\frac{1}{2}$ pp. [C.O. 23, 1. No. 52.]

[May 9] **132.** (a) Information by Robert Armstrong to William Pepperrell, J.P. for the County of York (Main). On March 22nd, Benjamin Libby and William Lord were acquitted before the said Justice of an information laid by Armstrong against them for cutting 43 pine trees fit for masts in the said County. Further evidence being offered, the case was heard again by said Justice on 11th March, and defendants dismissed, paying cost of prosecution, it appearing that the trees complained of did grow upon a particular grant. $3\frac{3}{4}$ pp.

(b) Governor Shute to Robert Armstrong. 2nd April, 1722. Whereas I'm informed that several pine trees are cutt down in the New Hampshire or the Massachusetts contrary to an Act of Parliament, these are to impower you to put a stop to them untill my coming the latter end of this month. *Signed*, Samuel Shute. *Copy*. $\frac{3}{4}$ p.

(c) Memorial by Robert Armstrong to Mr. Justice Pepperrell. Argues the ease of trees reserved for H.M. May 4th, 1722. *Signed*, Robert Armstrong. 3 pp. *The whole endorsed*, Reed. (from Mr. Burniston), Read 8th Nov., 1722. [C.O. 5, 868. ff. 316-318, 319-320v.]

May 10. **133.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Since what we had the honour to write, 6th Feb. and 22nd Oct. 1719 (*q.v.*), we have received several other informations of the continued great waste of H.M. woods on the Continent of America: And it being to be apprehended that the permission granted by the Act of the last Session of Parliament giving further encouragement for the importation of Naval Stores *etc.* whereby all wood timber and the goods therein enumerated called lumber are to be imported into this Kingdom duty free, may still encourage the inhabitants in several Provinces to cut down and convert into lumber such of H.M. woods as might be fit for the use of the Royal Navy, unless prevented by the vigilance and care of an Officer knowing in the woods and country. We therefore beg leave to remind your Lordships of the necessity there is of sending a proper person as Surveyor General of the Woods in America, to take care of all such timber as may be proper for the use of the Royal Navy, the present Surveyor residing in England, and the person

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employ'd as his Deputy being a Custom house Officer in New Hampshire, whose duty in that station cannot admit of his visiting the woods in other parts, as the publick service requires. [C.O. 324, 10. pp. 500, 501.]

May 10.
Whitehall.

134. Council of Trade and Plantations to Lord Carteret. *Refer to* letter from Governor Philipps, Oct. 1st last, *and enclose* abstract of Lt. Col. Armstrong's account of the Fishery at Canço (v. 20th Feb. 1722), showing the importance of the Fishery *etc.* for which reason the Governor proposes that Canço should be made a free port. If by a free port he meanes no more than a free fishery to all H.M. subjects, the same is sufficiently provided for already by H.M. Instruction (*copy* of Col. Philipps' Instructions 28-30 *annexed*); And we would humbly submit how far it may be convenient to convert ye tenure of this Instruction into ye form of a Proclamation in G. Britain that H.M. subjects may not only be inform'd of the flourishing state of this new Fishery, but likewise of ye advantages they are entitul'd to there, by H.M. special grace and favour. But we can by no means agree that the making of Canço a free port with respect to trade in general wou'd be for the interest of Great Britain; for tho' this might possibly bring some people to settle in Nova Scotia, yet that benefit wou'd be much over balanc'd by the share it might give strangers in their Fishery. But there is another obstacle which hath hitherto retarded the settlement of this Province, which Mr. Philipps very justly complains of, and which in our humble opinion ought to be removed without loss of time. Your Lordship will perceive by the 28th Article of Mr. Philipps' Instructions (*copy annexed*) that untill H.M. Surveyor shall have sett apart 200,000 acres of wood land for the service of the Royal Navy, Mr. Philipps can make no grants of land, and consequently no body can or will settle in Nova Scotia. Wherefore having hitherto represented without effect the necessity of H.M. Surveyor attending his duty in this occasion that the public business may not be entirely at a stand, we desire your Lordship wou'd be pleas'd to move H.M. that Mr. Philipps himself may be empower'd by a new Instruction to set apart the 200,000 acres of wood land according to the directions given by the said Instruction for the use of the Royal Navy, that he may be afterwards at liberty to grant small parcels of land to such persons as shall be disposed to settle in Nova Scotia, under the quit rents and restrictions provided for by other parts of his Instructions. We shall only observe to yr. Lordship, that considering how the French Plantations in ye neighbourhood of Nova Scotia encrease in strength and number, no time shou'd be lost in settling a place that is naturally the Northern Frontier of H.M. Dominions in America. [C.O. 218, 2. pp. 8-11].

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May 10. **135.** Lord Carteret to the Council of Trade and Plantations.
 Whitehall. You are to prepare an Additional Instruction for his Grace the Duke of Portland according to what is pray'd in the *enclosed* Memorial as soon as conveniently may be *etc.* *Signed*, Carteret. *Endorsed*, Reed. Read 11th May, 1722. 1 p. *Enclosed*,

135. i. Petition of Collo. Charles Du Bourgay to Lord Carteret. Prays that the Governor may be instructed to order the payment of petitioner's salary as Lt. Governor of Jamaica in the same manner with other officers who are paid out of H.M. Revenue there. $1\frac{1}{4}$ pp. [C.O. 137, 14. ff. 139, 140, 140v., 142v.]

May 11. **136.** Council of Trade and Plantations to Lord Carteret.
 Whitehall. *Reply to* May 10th. Enclose following to be laid before H.M.

136. i. *Same* to the King. Enclose following.

136. ii. Draught of Additional Instruction to Governor the Duke of Portland. Whereas by the 31st Article of Our general Instructions to you, you are directed and impowered to receive and take out of Our Revenue arising within Our Island of Jamaica, £2,500 current money of that Island pr. annum for your pay as Captain General and Governor in Chief and likewise to cause to be paid the salaries of the several Officers therein mention'd; and whereas we have appointed Col. Charles Dubourgay Lieut. Governor *etc.*, and likewise been pleased by a letter under Our Privy Seal, 4th May, 1722, to grant unto him a salary of £1000 per annum sterling money, to commence from 2nd Nov. last, and have directed the Receiver General of Jamaica to pay the same out of Our Revenue arising in that Island, you are to cause payment to be made of the said salary *etc.* [C.O. 138, 16. pp. 423, 424.]

May 14. **137.** Lord Carteret to the Council of Trade and Plantations.
 Whitehall. Alured Popple Esq. is to be admitted Secretary to the Council for Trade in the room of his father, deceased. *Signed*, Carteret. *Endorsed*, Reed. 15th, Read 17th May, 1722. 1 p. [C.O. 388, 78. ff. 27, 28v.]

May 17. **138.** Order of King in Council, approving draughts of
 St. James's. Instructions for the Governors of Plantations in America, enjoying the due observance of the severall laws of Trade and Navigation, more particularly with regard to the Trade from the East Indies, except to the Governors of Jamaica and Barbados, who have had them already inserted in their Instructions; and also two other draughts of Instructions for the Colonies of Connecticut, Rhode Island and Providence Plantation, relating to the Acts of Trade and Navigation, which have been thought proper to be renewed to the said Charter

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Governments *etc.* Signed, Robert Hales. Endorsed, Reed. 9th, Read 13th Nov., 1722. 1 $\frac{3}{4}$ pp. [C.O. 323, 8. No. 33].

May 17. **139.** Alured Popple to Mr. West. Presses for report upon Whitehall. Acts of New York now in his hands. [C.O. 5, 1124. p. 280.]

May 17. **140.** Order of King in Council. Upon report of Committee of Privy Council upon representation on Capt. Gookin's petition for grant of islands in Delaware River (*v.* 8th Jan., 1720, 1st Sept. and 28th Dec., 1721), it is referred to the Board of Trade to particularize which of the said Islands appear to them to be improved, and to consider, whether it would be most proper, that the persons who have improved such islands should be quieted in the possession thereof paying a quittance to the Crown, or whether they should be allowed a compensation for their said improvements by such person to whom H.M. shall think proper to grant the same, and in what proper manner such compensation may be settled, *etc.* The Committee report that, in spite of caveat by the widow of W. Penn, claiming them for Pennsylvania, the said Islands were not comprehended within the boundaries of Pennsylvania or New Jersey, but remained in the Crown. They suggest conditions for a grant, and that the Government thereof should be annexed to New Jersey *etc.* Set out, N. J. Archives, 1st Ser. V. 28. *q.v.* Signed, Robert Hales. Endorsed, Reed. 24th, Read 25th May, 1722. 3 $\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 43-45v.]

May 17. **141.** Order of King in Council. Approving Additional St. James's. Instruction to Governor the Duke of Portland as to payment of Lt. Governor Du Bourgay *etc.* Signed, Robert Hales. Endorsed, Reed. 9th, Read 13th Nov., 1722. 1 p. [C.O. 137, 14. ff. 161, 162v.; and 5, 191. p. 460d.]

May 18. **142.** Governor Sir N. Lawes to the Council of Trade and Jamaica. Plantations. Encloses duplicate of April 27th. Continues: Since which, a very fortunate accident has happen'd Capt. Candler, in H.M. *Lanceston* being sent out by Comodore Harris to cruise off of the S.W. end of Hispaniola for protection of our trade agst. the pirates, luckily met with a notorious Spanish pirate commanded by an Italian one Mathew Luke, the crew consisted of fifty eight, chiefly mulattoes and Spaniards of Porto Rico. Last week I had them all brought to a trial, the Comander pretended he had a commission from the Alcaldee of Porto Rico to be a guard de la coast but it having been plainly proved that he had taken two English vessels who were going on their lawfull occasions and noways near to or within the sight of any part of Hispaniola, the Judges found them all guilty of piracy except seven, two we were obliged to make

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evidences of, and it appearing on the trial that eight more were young raw lads and had never been at sea before, the judges recommended them as objects of H.M. mercy; so that out of the fifty eight there were forty one hanged. The seventeen who were saved are to be distributed among the merchant ships in order to be sent to Europe as opportunity offers. I am told that the Comander of this pirate when he was to dye confessed the taking two other vessels besides those he was accused of and that one of the crew confessed his murdering upwards of twenty Englishmen with his own hands. I make no question but the example that has been made of those rogues will deter others in these parts, particularly the Spanish guard de coast from committing such notorious piracies as they have lately been guilty of. Since my last letter, I have thought proper with the advice of the Council to call an Assembly, and writs are now issued for their convening on the 14th of the next month by which time His Grace the Duke of Portland my successor is expected. Should he then not be arived, I shall recommend to them their making provision for his reception and to enable the Treasury to discharge the debts affecting the Government. But really I cannot but represent to your Lordships the many difficulties a Governor is to struggle with in supporting of the King's honour and promoting his service when he is not supported from home. I have frequently laid matters of the greatest importance to the welfare of this Colony before your Lordships and the Secretary of State but have never been honoured with any answers to them and it is very surprizing that tho' I named Mr. Beckford to your Lordships as the cheife instrument of all our divisions and animosities and that he has as well in former Governments as mine constantly opposed whatever has been recomended for the publick service, should meet with such countenance from home as not only to be continued in his post of Comptroller of the Customs but he gives out that he has had sent him cyps of my letters which I wrote to your Lordships about him. And I cannot help but observing to your Lordships that of all the gentlemen I ever recommended to be of the Council not one has been put in and those whom your Lordships have thought fit to recommend since I left England live in remote parts of the countrey and at so great a distance that it is with the greatest difficulty imaginable (let the urgency be never so great) to get a quorum together to do business. My duty is only to represent those matters to your Lordships which I think is for H.M. service. If I have not been supported any miscarriage that has or may happen to the King's service cannot be imputed to me, seeing I have laid them regularly from time to time before you. *Encloses Naval Officer's accounts etc. Signed, Nicholas Lawes. Endorsed, Recd. 23rd July, Read 15th Aug., 1722. 3½ pp. [C.O. 137, 14. ff. 152-153v.]*

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May 20.
Bermuda.

143. Lt. Governor Hope to the Council of Trade and Plantations. *Encloses Journals of Assembly 3rd Nov., 1718—10th Nov., 1721, and Minutes of Council, 21st June, 1720—3rd April, 1722, etc. Asks for reply to letters of 17th and 26th March. Signed, John Hope. Endorsed, Reed. 27th, Read 28th June, 1722. 1 p. [C.O. 37, 10. No. 32.]*

May 21.
St. James's.

144. H.M. Additional Instruction to Governor the Duke of Portland. You are to cause payment of a salary of £1000 per annum to be made out of Our revenue to Lt. Governor Charles Dubourgay *etc. Signed, G. R. [C.O. 324, 34. pp. 120, 121.]*

May 21.
Whitehall.

145. Lord Carteret to Governor Burnet. *Acknowledges letter of 18th March. Commissions for Capt. Holland and Capt. Banks have been signed as you desired. Continues: I was under some difficulty to learn the names of these persons from your letter; which I only mention to prevent mistakes for the future etc. I am sensible the writing your letters in your own hand, is intended by you as a mark of respect; however, I should be glad, that such, as relate any way to the publick were wrote a little more in an official way. I will only add, that as you were directed by your Instructions to transmit hither a discription of the country under your Government, with an account of the soil, product, strength, trade and intercourse with the Indians, I should be glad to receive from you some full and particular relations upon these heads, with such additional lights and observations as you shall judge proper; which I am confident you are very capable of doing in such a manner as may render them of good use to the publick. Signed, Carteret. [C.O. 324, 34. pp. 121, 122.]*

May 21.
Pensilvania.

146. B—., B—., G—. to the Council of Trade and Plantations. The Sovereign Lord of heaven and earth and wise disposer of all things hath so ordered that during the several reigns from the granting Colonies in N. America, *etc.*, no mines of copper, silver or gold were found until his present Majesties at length peacefull reign *etc.* Now it is that more rich mines are found not in one Colony only vizt. New Jersey wherein indeed was the first opened but in Connecticut New York Pensilvania Maryland *etc.* The number and riches of mines discovered and the many signs of mines, occasion many doubts whether Royal Mines are granted or not *etc.* *Refers to Charter of Pennsylvania. Continues: Some persons in Pensilvania having found mines of silver mixed or unmixed and finds themselves not secure of any part of them or any such part as can be reasonably expected to answer the charge closeth and as far as they can conceal the mines and think it is highly propper so to do forasmuch as the Agents of the Companies of London and Bristol at times give out they have or will advise their*

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employers to get patents out of H.M. for all Royal Mines and that then few mines will escape becoming forfeit to them *etc.* *Urge that* in H.M. grants of mines to Companies, one fifth should be assigned to the discoverer and three fifths to the owner of the lands *etc.* These parts want artists to separate and refine mixed ores *etc.* *Signed*, B: B: G: . *Endorsed*, Reed. 3rd, Read 4th July, 1722. 3½ pp. [C.O. 5, 1266. ff. 52-53v.]

May 21.
Treasury
Chambers.

147. Mr. Lowndes to Mr. Popple. The Lords Commrs. of H.M. Treasury desire the Council of Trade to examine *enclosed* allegations and accounts and report what may be fitt for H.M. to give Col. Armstrong *etc.* *Signed*, Wm. Lowndes. *Endorsed*, Reed. 21st May, Read 26th June, 1722. 1 p. *Enclosed*,

147. i. Lt. Col. Armstrong to the Lords Commissioners of the Treasury. After the French had plundered the inhabitants at Cansoe Governor Philipps sent Memorialist thither from Annapolis, and, after great expence and hazard, he obtained from the French Governor of Cape Breton £1600 for H.M. subjects. Governor Philipps sent Memorialist back in the dead of winter with his company, to protect the said inhabitants. The ship with his effects and provisions purchased for his company was lost. At Cansoe he built a fort there by subscription of the inhabitants and traders, without any expence to the Crown (*v. No. iii*) and he continued there till Governor Philipps came himself. On his voyage back to Annapolis he lost all the remainder of his effects and provisions. Being destitute of all necessarys, he obtained leave to return to England. *Prays* for relief. 1½ pp.

147. ii. Particulars of Lt. Col. Lawrence Armstrong's losses. *Total*, £1138 17s. 10d. 1 p.

147. iii. Testimonial of masters of vessels, Captains of Militia, Justices of the Peace and inhabitants of Cansoe, to Lt. Col. Armstrong. 10th June, 1721. The preservation of this port is entirely owing to his care in his embassy to Lewisbourg and in his dangerous enterprise in coming to the succour of this place in the middle of winter. He has always acted entirely for H.M. honour and the benefit of this port, refusing to be concerned in merchandize or fishery and never laying one penny of tax *etc.* 66 signatures. 1 p. *Nos. i-iii.* *Endorsed*, Reed. 21st May, 1722. [C.O. 217, 4. ff. 63-64, 65, 66v., 67, 68v.]

May 23.
Whitehall.

148. Certificate by Mr. Popple that John Conrad Weiser has several times attended the Board upon behalf of the poor Palatines at New York *etc.* [C.O. 5, 1124. p. 282.]

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May 24. **149.** Lt. Governor Sir William Keith to the Council of Trade
 Pennsylvania. and Plantations. Having heard that a Company in Bristol
 in conjunction with others at London intend to apply to H.M.
 for a grant of the Royal Mines in these parts, and having reason
 to believe from some experiments which I have lately made,
 that some very useful discoveries of that nature may be made
 in many places of this Province, *proposes* that Governors be
 ordered to report to H.M. the particular discoveries that have
 been already made in their Governments, before H.M. grant
 away any such royalties *etc.* *Signed, W. Keith. Endorsed,*
Reed. 11th Sept., Read 27th Nov., 1722. 1 p. [C.O. 5,
1266. ff. 71, 72v.]

May 24. **150.** Governor Hart to Lord Carteret. *Encloses copy of*
 St. *his 87th Instruction. Continues :* Pursuant to this Instruction
 Christophers. immediately upon my arrival on St. Christophers I made
 enquirey whether the subjects of any foreign state had possessed
 themselves of any of the Virgin Islands within this Government
 and found that the subjects of the King of Denmark under
 the command of his Governor of St. Thomas had settled several
 families on the Island of St. John about four years past, and had
 erected a fort at the entrance of the harbour and fortified a
 considerable town at the upper end of the Bay commonly called
 Crawley Bay, the draft of which is here represented to your
 Lordship. H.M.S. the *Hector* under the command of Capt.
 Brand going in quest of the pirates among the Virgin Islands
 upon advice that I had given him of their being there, I laid hold
 of that occasion to write to the Governor of St. Thomas for the
 King of Denmark, to reclaim the Island of St. Johns a copy of
 which is herewith enclosed with his answer, *etc.* Your Lordship
 will find by that letter that he refuses to withdraw the subjects
 of the King of Denmark from the Island of St. Johns and as I
 am commanded by my Instructions to inform H.M. with all
 convenient speed in such an event, so I only wait H.M.
 commands before I proceed further. But if it shou'd be H.M.
 pleasure that I should dispossess the Danes by force I am
 perswaded it may be done without any charge to H.M. by the
 assistance of his troops that are here, the men of war on this
 station and the rest of the Expedition will be effected at the
 charge of the inhabitants of these Islands who shew a very
 chearfull disposition towards it. The Island of St. John lyes
 in the latitude $17\frac{1}{2}$ and is about 7 leagues long 30 leagues to
 the northward of St. Christophers and as your Lordship may
 perceive by the draught has the finest harbour in the West
 Indies and the only one (besides in the possession of the English)
 from Antigua to Porto Rico is that of St. Thomas also in
 possession of the Danes which if they are permitted to retain
 all our trade to Jamaica and all our homeward bound trade

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from the Leeward Islands have no place of safety to put into in case of stress of weather or any other danger. In the time of warr the Dane act as neuter in these seas and receive the ships of all foreign nations by which means our trade was greatly annoy'd during the late war by St. Thomas being a free port. The King of Denmark has no right nor pretention to the Island of St. Thomas and St. Johns but by permission of the Crown of Great Britain, and I cannot help observing that they were ever suffered at all to settle at St. Thomas's but that their taking possession in that matter of the Island of St. Johns is a matter of so great consequence that I am surprized the Ministry were not earlier informed of it for in my humble opinion these two Islands are of as great moment for the preservation of the West India Trade as the town of Gibraltar and Port Mahon to that of the Levant. Should the Danes be permitted to keep possession a much longer time (which would give them a better title) I am jealous for the honour of Great Britain that either of these Islands or both might be sold either to the French or Dutch which in case of a war with either would greatly distress our trade to the West Indies and of what consequence that is to Great Britain your Lordship is so well inform'd that I need not enlarge *etc.* I must humbly but earnestly beg that your Lordships will take this into consideration for that I am apprehensive that the demand I have made the Dane knowing the consequence of the Island of St. Johns will fortifye it so as to make it an expensive undertaking to reduce it. But if I have the good fortune to be honour'd with H.M. commands to reduce it soon I can promise your Lordship to effect it without any considerable loss. *Signed, John Hart. Copy. 4 pp. [C.O. 314, 1. No. 5.]*

May 24. **151.** John Gosling to the Council of Trade and Plantations. Proposes that Instructions be given to Governors in America empowering them to grant licences for working mines, and thereby to avoid monopolizing by Companies *etc.* *Set out, N. J. Archives, 1st Ser. V. 36. Signed, John Gosling. Endorsed, Reed. Read 4th July, 1722. $\frac{3}{4}$ p. [C.O. 5, 972. ff. 47, 51v.]*

May 25. **152.** Council of Trade and Plantations to Lord Carteret. *Whitehall.* Your Lordship will perceive by the copy of a letter from Colo. Shute (13th March), and of two French letters intercepted by him, which we send your Lordship inclos'd, what dangerous practices the French are carrying on against H.M. interest in America, in direct opposition to all Treaties and good faith between the two Nations; Wherefore we must desire your Lop. would please to lay the same before H.M., that the necessary directions may be given upon so important an occasion. *[C.O. 5, 915. pp. 338, 339.]*

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May 25. **153.** Mr. Popple to Sir R. Raymond, Att. Gen. *Quotes*
 Whitehall. Governor Shute upon his dispute with the General Court, in
 whose right the power of nominating an Attorney General for
 N. England is. *Encloses* extract of N. England Charter and
 copy of the Governor's 40th Instructions, and desires his opinion
 in point of Law. [*C.O.* 5, 915. *p.* 340.]

May 25. **154.** Governor Burnet to the Council of Trade and Planta-
 New York. tions. *Acknowledges* letter of 22nd Feb., relating to the Acts
 in Jersey now repealed. *Continues* :—I shall take effectual
 care, to publish it in such a manner as to set the Secretary's
 Office in possession of his just pretensions. A Cabal of wicked
 people in Jersey headed by George Willox a Jacobite had
 contrived in this last Sessions just now over, among many other
 laws to hurt the Prerogative, one particularly to destroy the
 Secretary's Office, which was entitled an Act *to oblige clerks*
and other officers that keep records to give security for ye performance
of their respective Offices. In a former Act to this effect, *for*
acknowledging and recording deeds, etc. one of the new Acts now
 disallowed *etc.*, the Secretary's Office was distinctly excepted
 in a clause by itself, but in this last there is no exception and
 it runs . . . any laws to the contrary in any wise notwithstanding
 . . ., which words would have repealed the clause in the former
 Act, if the last had past. *Encloses* a copy of that last bill as it
 came up to the Councill passed by the Assembly; upon which
 I was informed it was George Willox's drawing by the person
 who copyed it from his hand writing, which led me to examine
 that person before ye Councill and upon that followed that
 Minute of Councill where the whole discovery appears and that
 upon one of the Councill justifying this Jacobite plot I suspended
 him which I hope H.M. will approve *etc.* *Refers to enclosures,*
including, the Act for the security of H.M. Government " which
 the Assembly passed upon my sending them the abovementioned
 Minute of Councill as they have likewise an Act *for the support*
of Government for five years, and of themselves a majority of
 them told me they were very easy at my laying aside all their
 factious bills, *etc.*, for that they were deceived into them by
 their Speaker and his Councillour George Willox and did not
 desire them to pass. So that I have gained their approbation in
 every thing and have by their own Act obtained a censure upon
 all my enemies and a justification of my own proceedings. I
 hope your Lordships will by this perceive what disappointed
 me before and where the whole blame ought to lye. I sent them
 likewise an Act wch. the Councill passed in order to disallow
 those very Acts, which your Lordships have now obtained a
 repeal of from H.M., but the season being too advanced and there
 arising severall querys which required time to answer, they
 begged then to be dismissed and that they would be ready to go
 upon it effectually when they met again and were in generall well

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disposed to serve Mr. Smith," *etc.* There are three vacancies which I humbly recommend to your Lordships to be filled up in the Council. One in the Eastern Division by Mr. Gordon's death, to which I recommend Mr. James Alexander Surveyor General of that Province. Another in the Western Division by the constant absence and entire incapacity of speech and all business of Mr. Byerly, to which I recommend Mr. James Smith, Secretary of the Province, and a third in the Eastern Division by the suspension if approved of Mr. Anderson *etc.*, to which I recommend Mr. William Eires now Treasurer for ye Eastern Division. I have not yet been able to get the Minutes of Council and of the Assembly fairly transcribed nor their Acts engrossed to be transmitted to your Lordships, but will do it by the next conveyance *etc.* *P.S.* I hear with send [*sic*] the Naval Officer's accounts 25th March 1721-1722. *Set out*, N. J. Archives, 1st Ser. V. 32. *Signed*, W. Burnet. *Endorsed*, Reed. 28th June, Read 5th July, 1722. 4 pp. *Enclosed*,

154. i. Act of New Jersey to oblige officers that keep publick records to give security *etc.* Passed by Assembly, 17th April, 1722. *Endorsed as preceding.* 3 pp.

154. ii. (a) Governor Burnet's Speech to the Assembly of New Jersey, 7th March, 1722; Address in reply; and Governor's Speech, 5th May.

(b) Copy of Act for the security of H.M. Government of New Jersey. *The whole, Printed.* 9 pp.

154. iii. Minutes of Council of New Jersey. Mr. Anderson was suspended for justifying George Willox, a professed Jacobite *etc.* v. covering letter. *Endorsed as covering letter.* Copy. 2½ pp. [*C.O.* 5, 972. ff. 48-49v., 50v., 53-61v.]

May 25. **155.** Alured Popple to Mr. Basket. Urges dispatch "in
Whitehall. printing those Laws of the Plantations which you are now
about." [*C.O.* 324, 10. p. 501.]

May 25. **156.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Since our letter of the 10th instant *etc.*, Colo. Philipps having again urged to us the necessity of building several forts in proper places for the security of *Nova Scotia*, we take the liberty to remind your Lordp. of what we represented to H.M. 8th Sept., to which we shall beg leave to add that our sole right to ye Fishery at Canço which is at present the best in H.M. Dominions being contested by the French, and having been interrupted not long ago by the Indians at their instigation, we desire your Lordp. wou'd be pleas'd to lay before H.M. the absolute necessity there is of erecting a small fort without lost of time at Canço, for the protection of the Fishery and of such inhabitants as are already settled or shall be dispos'd to settle there. [*C.O.* 218, 2. pp. 12, 13.]

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157. Mr. West to the Council of Trade and Plantations. *Report upon several Acts of New Jersey, passed 1719, 1720. Upon an Act for annulling a fraudulent conveyance of Mary Davenport to James Browne of lands etc. belonging to her former husband, he states objections raised by relatives in England. (v. enclosures). Concludes:* Considering that the parties in New York have made no application to confirme the Act and that John Miserol's will *etc.* are not before your Lordships, I am of opinion the said Act is not fit to be passed.

Upon an Act *selling the estate of Thomas Lewis of New York, decd.*, he observes, "that the right of minors is manifestly barred upon pretence of a construction of a will made in Dutch. Which may possibly be equitable, but yet considering that no application has been made for the passing it, and that it appears by the Act itself that minors are concerned in interest, I am of opinion that it is not proper to be passed as yet into law.

There are three other private Acts (*enumerated*) to which I can see no present objection. But yet considering how very often private Acts have been sent from America not fit to be passed and of those some of them so grosly unjust that without any complaint made against them in particular, there frequently appears upon the face of the Acts themselves matter sufficient to repeale them, I must submit to your Lordships since they are Acts of Grace and not of right whether it is proper to pass any private Act without application for that purpose that there may be allwayes an opportunity to examine the justice of them here in England. I have no objection to the purport of the Act *for the encouragement of the Indian trade etc.*, yet I ought to observe that the power which is given to the officers appointed for the execution of this Act in the County of Albany of breakeing into any persons houses *etc.* at any time whatsoever without distinction of either night or day does seem to be exorbitant." *Enumerates* other Acts to which he has no objection *etc.* Signed, Richd. West. *Endorsed*, Reed. 31st May, Read 1st June, 1722. 9½ pp. *Enclosed*,

157. i. Deposition of Jane Alley, widow, and James Bennett, poulterer, of St. James's, Westminster, 12th Feb. 1721(2). John Price, a near relation, went to New York and married Mary Davenport, alias Miserol, widow, who upon his agreement of marriage assigned to him the reversion of an estate after her decease. He died in 1714, leaving his right of reversion to deponents' children. At the request of his widow, the Assembly of New York have passed an Act to set aside his will, depriving said children of their right *etc.* Signed, Jane Alley, James Bennett. 1 p.

157. ii. Edward Pennant to John Alley and James Bennet. New York, Nov. 18. 1717. The widow of John Price hath been very active to procure an Act to set aside

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above conveyance, pretending it was fraudulently obtained etc. Signed, Edward Pennant. Copy. 1 $\frac{3}{4}$ pp.

157. iii. *Same to Same.* July 17, 1718. I have again made all opposition to the passing the Act (*referred to in preceding*), and have thereby incurred the displeasure of our little House of Commons *etc. Signed, Edward Pennant. Copy. 1 p.* [C.O. 1053. ff. 60-64v., 66, 67-68, 69v.]

May 30. **158.** Lord Carteret to Governor Hart. I recd. on the first
Whitehall. inst. your letter of the 3d March, and am glad to find that you have met with success in what you have hitherto proposed in the Assemblys for the King's service, and the welfare of the people under your Government. I doubt not but by your prudent management you will be able to settle matters there on a good footing. The King is pleased to approve of your diligence in preparing to transmit to me an account of the Islands under your command. I have of late writ to all H.M. Govrs. in the Plantations to remind them of this part of their duty, which has hitherto been in great measure neglected. H.M. directs you to be as particular and exact in your account as possibly you can. I shall be glad of any opportunity of representing your services in the best manner *etc. Signed, Carteret.* [C.O. 324, 34. p. 126.]

May 30. **159.** H.M. Warrant for admitting John Campbell to the
St. James's. Council of Jamaica. *Countersigned, Carteret. Copy.* [C.O. 324, 34. p. 157.]

May 31. **160.** Lord Carteret to Governor Burnet. *Encloses following.*
Whitehall. *Concludes:* If the arrears appear to you to be justly due to Capt. Holland, H.M. would have you recommend his case to the Assembly of New York *etc. Signed, Carteret. Annexed,*

160. i. Petition of Capt. Henry Holland to the King. Prays to be paid arrears of salary due to him (£421 16s.), as Gunner to the Fort of Albany 1708-1721. *Copy.* [C.O. 324, 34. pp. 123, 124.]

May 31. **161.** Mr. Popple to Mr. Attorney and Mr. Solicitor General.
Whitehall. *Encloses* extract of Charter of the Massachusetts Bay and of the Governor's Instructions, *and desires* opinion whether the three years in which H.M. is either to repeal or confirm the Acts pass'd there, are to be deem'd to commence from the time that they are received either by the Board of Trade, or by one of H.M. Principal Secretaries of State, or from the time they shall be presented to H.M. in Council, for his pleasure thereupon. [C.O. 5, 915. pp. 341, 342.]

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[May 31] **162.** Description of the Island of Burlington in Delaware River. If H.M. should grant this Island to any private person it would deprive the inhabitants and Governor of their chief resort for walking and refreshing themselves *etc.* *Set out*, N. J. Archives, 1st Ser. V. 38. *Endorsed*, Recd. Read 31st May, 1722. Given by Col. Cox. 2½ pp. [C.O. 5, 972. ff. 43-44v.]

May [—] **163.** H.M. Commission for Major General Charles Sibourge St. James's. to be Lt. Governor of Nevis in the room of Daniel Smith deed. *Copy. Countersigned*, Carteret. [C.O. 324, 34. p. 118].

June 1. **164.** H.M. Additional Instruction to Governors of the St. James's. Plantations. Whereas We have been inform'd that a clandestine trade is carry'd on, as well by British as foreign ships from Madagascar and other parts beyond the Cape of Bona Esperanza, within the limits of trade granted to the United East India Company, directly to Our Plantations in America, to the great detriment of these Realms, and in breach of the several laws in force, relating to Trade and Navigation, Our will and pleasure is, that you Our Governor, or in your absence the Commander-in-Chief of Our sd. Colony, do duly and strictly observe and cause to be observ'd the several good laws and statutes now in force for the regulating of Trade and Navigation; particularly the several Acts of Parliament already mention'd in your Instructions, and also those contain'd in the following list, vizt. :—

i. An Act passed in the 9th and 10th year of K. William III, *for settling the trade to the East Indies.*

ii. An Act passed in the 11th and 12th year of K. William III, *for the more effectual suppression of piracy.*

iii. An Act passed in the 8th Year of Q. Anne, *for continuing several impositions and duties upon goods imported etc.*

iv. An Act passed in the 4th year of Our reign, *for declaring the law relating to pirates etc.*

v. An Act passed in the 5th year of Our reign, *against clandestine running of uncustomed goods etc.*

vi. An Act passed in the 5th year of Our reign *for the better securing the lawful trade to and from the East Indies.*

vii. An Act passed in the 7th year of Our reign *for the further preventing H.M. subjects from trading to the East Indies under foreign commissions etc.*

viii. An Act passed in the 8th year of Our reign, *for the encouragement of the silk manufactures of this Kingdom etc.*

ix. An Act passed in the 9th year of Our Reign, *to prevent the clandestine running of goods etc.*

x. An Act passed in the 10th year of Our Reign *for the more effectual suppressing of piracy.*

(Copies of which Acts you will herewith receive) and that if you or Our Commander in Chief for the time being shall be

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found negligent or remiss in your duty in an affair of so great importance to our service and the welfare of Our subjects, *It is Our fix'd and determin'd will and resolution, that you or such Comr. respectively be for such an offence not only immediately remov'd from your imployment and be liable to the fine of £1000, as likewise such other fines and forfeitures, pains and penalties,* as are inflicted by the several laws now in force relating thereunto, but shall also receive the most rigorous marks of Our highest displeasure, and be prosecuted with the utmost severity of Law. And in order to the better execution of the laws and statutes aforementioned, upon the first notice of the arrival of any ship or ships within the limits of any port of or belonging to your Government, which have or are suspected to have on board any negroes, goods, or commoditys of the growth, produce, or manufacture of the East Indies, Madagasear, or any other parts or places beyond the Cape of Bona Esperanza, within the limits of trade granted to the United East India Company, pursuant to the aforementioned Act of the 9th and 10th of King William, you shall immediately cause the Officers of Our Customs in your Government (and any other officers or persons in aid of them) to go on board such ship or ships and to visit the same, and to examine the masters or other commanders, the officers and sailors on board such ship or ships, and their Charter parties, invoicees, coequets and other credentials, testimonials, or documents, and if they find that such ship or ships came from the East Indies, Madagascar, or any other parts or places beyond the Cape of Bona Esperanza within the limits of trade granted to the sd. United East India Company, and that there are on board, any such goods, commodities, or negroes as is abovemention'd, that they do give notice to the master, or other person having then the command of such ship or ships, forthwith to depart out of the limits of your Government without giving them any releif, support, aid or assistance, altho' it should be pretended that such ship or ships were, or the same really should be in distress, want, disability, danger of sinking, or for or upon any other reason or pretence whatsoever; and that you Our Governor or Comr. in Chief do, by no means suffer any goods, merchandize, or negroes from on board such ship or ships to be landed or brought on shore, upon any account or excuse whatsoever. And it is Our further will and pleasure, that if any ship or ships, being foreign having on board any such goods, merchandize, or negroes, do not, upon notice given to the Master or other person having the command thereof as soon as conveniently may be, depart out of the limits of your Government and from the coasts thereof, without landing, selling, or bartering any of the sd. goods or negroes, you Our Govr. or the Comr. in Chief shall cause the sd. ship or ships and goods and negroes to be seized and proceeded against according to law, but if such ship or ships having such goods or negroes

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on board, and entering into any port or place, or coming upon any of the coasts or shores of Our sd. Colony of—, do belong to Our subjects, and do break bulk, or sell, barter, exchange, or otherwise dispose of the sd. goods or negroes, or any part thereof contrary to law, you are to take care, that such ship or ships, with the guns, tackle, apparell and furniture thereof, and all goods and merchandizes laden thereupon, and the proceed and effects of the same be immediately seiz'd, and that the laws in such case made and provided be put in execution with the greatest care, diligence, and application; But if any ship belonging to the subjects of any foreign State or Potentate, having on board any negroes or East Indian Commodities, shall be actually bound to some port or place in the West Indies belonging to any foreign Prince or State from some European port, and such ship shall happen to be driven in by necessity and be in real distress, the same may be supplied with what is absolutely necessary for her releif: But you shall not take, have, or receive, nor permit or suffer any person to take, have, or receive any negroes or other the sd. East India commodities in payment or satisfaction for such releif. That if any Officer of Our Customs or other Officer employ'd by you Our Governor or Comr. in Chief, in visiting, searching, or seizing such ship or ships, goods, merchandize or negroes, be corrupt, negligent or remiss in the discharge of his duty therein, We do hereby require you to suspend him from the execution of his sd. office; and that you do by the first opportunity send an account of such officer's behaviour to one of Our Principal Secrys. of State and to Our Commissrs. for Trade and Plantations, that care may be taken that such officer be remov'd from his employment, and further punished according to his demerit. And Our further will and pleasure is, that you Our Govr. or Comr. in Chief do constantly, from time to time and by the first opportunity that shall offer, send to one of Our sd. Principal Secrys. of State and to Our Commissrs. for Trade and Plantations true, full and exact accounts of your proceedings, and of all other transactions and occurrences in or about the premises or any of them. *Copy. Signed, G. R.*

Memdm. In the Instruction to Charles, Lord Baltimore, Governor of Maryland, and Sir William Keith, Deputy Govr. of Pensilvania, instead of the words underlin'd in preceding, ("*It is . . such other*"), were inserted the words following: *We shall esteem such neglect to be a breach of the aforesd. Laws, tending to the forfeiture of those letters patents granted by Our Royal Ancestors for the Government of that Province, as likewise of the bond enter'd into by you to Us, when we approved of you to be Govr. thereof; and both you and every other person and persons whatsoever concern'd therein shall such —.* [C.O. 324, 34. pp. 136-144.]

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June 1. **165.** H.M. Instructions to the Governor and Company of St. James's, Rhode Island and Providence Plantation, in pursuance of the Acts of Trade and Navigation. [*C.O.* 5, 191. *pp.* 461-479.]

June 1. **166.** *Same* to the Governor and Company of Connecticut. St. James's, [*C.O.* 5, 191. *pp.* 480-513.]

June 2. **167.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to 31st May.* We are of opinion that the three years allowed by this Charter [*of the Massachusetts Bay*] either for the repeal or confirmation of laws [*passed there*], are to be taken to commence from the time they are respectively presented to H.M. in his Privy Council, the words of the clause being plain and express for that purpose. *Signed*, Rob. Raymond, P. Yorke. *Endorsed*, Reed. Read 6th June, 1722. $\frac{3}{4}$ *p.* *Enclosed*,

167. i. Clause in the Charter of the Massachusetts Bay referred to in preceding.

167. ii. H.M. Instructions (*No.* xv) to Governor Shute relating to transmission of laws by the first opportunity *etc.* [*C.O.* 5, 868. *ff.* 207, 208-209, 212v.]

June 2. **168.** Mr. Willard to Mr. Popple. *Encloses* Journal of Secretaries Office, Boston. Assembly of the Massachusetts Bay, Nov. 7th, 1721—March 2nd, 1722, with the Acts then passed, and Minutes of Council, Sept. 1721—Feb. 1722 *etc.* *Signed*, Josiah Willard. *Endorsed*, Reed. 17th, Read 30th Aug. 1722. 1 *p.* *Enclosed*,

168. i. Receipt for above. *Signed*, John Brett. *Slip.* [*C.O.* 5, 868. *ff.* 306, 307, 308v.]

June 4. **169.** Circular Letter from Lord Carteret to the Governors and Proprietors of the Plantations. The Postmasters General having appointed Mr. Jno. Lloyd their Deputy for North America and the West Indies, *etc.*, you are to give him all the assistance you can in putting the several Acts of Parliament relating to the Post Office in execution. *Signed*, Carteret. [*C.O.* 324, 34. *pp.* 124, 125.]

June 5. **170.** Council of Trade and Plantations to the King. Recommend for confirmation Act of New York *laying a duty of 2 p.c. on European goods imported etc.* [*C.O.* 5, 1124. *pp.* 283, 284.]

June 6. **171.** *Same* to Governor Burnet. *Acknowledge* letters 28th Whitehall. Dec., 1720—March 18, 1722. *Continue*:—observing thereupon that the Act to lay a duty of two pounds in every hundred pounds value prime cost of all European goods imported *etc.* has a clause therein pursuant to your Instruction deferring the execution thereof till H.M. shall have declared his Royal approbation, altho' we are extremely averse to any Acts whereby the trade

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and shipping of Great Britain may be effected, yet considering the present necessities of your Govt., as well as the services to which the produce of the said Act is to be apply'd; we have laid the same before H.M. for his Royal approbation *etc.*; As to the other Acts we are preparing a Representation to be laid before H.M. *etc.* We take notice, in your letter of 26th Nov., 1720, of what you mention there concerning the trading House, which the French have set up near the Falls of Niagara upon part of those lands which the natives have long since alienated to the English, whereupon we recommend to you the continuing a watchful eye upon ye French proceeding least they make any fresh enroachment upon H.M. Territories or correspond, or extend their trade with our Indian Nations, which we hope will be effectually prevented, and our trade secured by the Fort which you intend to erect at Niagara, for which we would advise, that you take the consent of the Indian Proprietors, as well as upon all other occasions of the like nature. We writ long since to the Lord Carteret, and to the Treasury upon the immediate necessity there is of sending ye usual presents to the Five Nations of Indians, whereupon the Treasury have order'd the mony for the presents, but nothing is done as yet in relation to the stores of war, neither is there any great probability there shou'd; your Province being already so much indebted to the Board of Ordnance upon this account, who cannot lay out any mony beyond the Parliamentary provisions. We did as you desire, 26th Nov., 1720, represent the necessity of removing Peter Schuyler and Adolphus Philips from the Council *etc.* v. C.S.P., 18th Feb. 1721. *Continue:* We commend your generosity in remitting the 5 per cent. on the whole fishery, during your time, and your prudence in continuing the licences whereby you oblige the people, and preserve the King's Prerogative. We hope you have receiv'd a Commission for appointing Philip Levingston Secretary to the Indian affairs *etc.* We are glad to hear (16th Oct. last) of the good success you have had at your meeting ye Indians at Albany, and hope you will continue your utmost endeavors to cultivate a good correspondence with them. We are very well pleas'd with the new settlement you have begun to make on the Lake Ontario, to which we desire you wou'd give all possible encouragement as it is likely to establish so considerable a trade with the far Indians, and secure them from being molested by the French at Niagara. We also approve of ye use you have made of ye letter from the Govr. of Canada, whereby you explore the designs of the French to the Indians, and you was in ye right to insist that their proceedings in some particulars have been directly contrary to the Treaty of Utrecht, *etc.* As there is at present no great prospect of settling the boundaries between the French and our Plantations in America, you will do well to extend our settlements with proper precautions as far as you

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can. We have writ to the Lord Carteret to desire him to receive H.M. Orders in relation to the sending two additional Companies as you desire, 2nd Dec. But the pressure of ye Govt. at home being at present pretty great, we do not foresee any immediate effect from that Rept. We desire you wou'd transmit to us by the first opportunity a particuar account of the 5 Nations having surrender'd their right of Niagara and of all the land round the Lakes to the Crown of Great Britain *etc.* (v. 16th Oct., 1721). As to the draught of a bill for the easier partition of lands in joynt tenaney or in common (*etc.* v. 30th Nov. 1721), we must refer you to your 35th Instruccion, whereby you are order'd not to re-enaet any law to which the Royal assent has once been refus'd, without express leave for that purpose first obtain'd from the King upon a full Representation by you to be made of the reason and necessity for passing such law. But upon this oecasion we must observe to you that the Meml. from Mr. Colden upon that subject dos contain matters of great importance to the Crown, which deserve a particuar attention and you will hear more from us upon that head hereafter. We are very glad to be able to inform you that Capt. Holland has obtain'd H.M. Commission to be Capt. of one of his independent Companies at New York. We hope that by this time you have settled matters about the Palatines in such a manner that neither you nor we shall have any more trouble concerning them. We thank you for the Meml. which you sent us by Mr. Durand; we have done wt. we cou'd for his service, tho' not with so much success as we cou'd wish. The subject matter of your lr. of 18th June, 1721, relating to the alteration in ye Assembly men, of the Jersyes now lyes before H.M. Attorney General for his opinion thereupon *etc.* *Set out*, N.Y. Col. Does. V. p. 647. [*C.O.* 5, 1124. pp. 284-291; and (*rough draft*) 5, 1079. No. 129.]

June 6. **172.** Council of Trade and Plantations to Governor Philipps.
 Whitehall. *Acknowledge* letter of 26th Sept. and 24th Nov., 1720, 16th Aug. and 1st Oct. 1721. *Continue*: We have represented to H.M. what you have writ, in relation to the Fishery at Canço, the damage the Indians have done thereto, as well as the methods the French have taken to debauch our Indians, and hope some redress may be had therein as soon as the state of H.M. affairs will permit. We have spoke with Colo. Gardner and Colo. Armstrong upon the estimate of the charge for building forts; and we understand the Board of Ordnance will send away materials and workmen so soon as they shall have receiv'd orders from H.M. for that purpose, But in the mean while we have writ to the Lord Carteret, to desire him to lay before H.M. the more immediate oecasion there is of building a fort at Canço for ye protection of the Fishery there. We have read what you transmit to us relating to the information of Lieut.

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Washington, against you to ye Board of Ordnance, and doubt not but that Board will do you justice, as we shall be allways ready to do. We are very glad to hear, that you have at last got a vessel for the surveying and attending the other services of your Province; We are perswaded you will make the proper use of it, and give us an exact account of all your proceedings upon that head. You shou'd have represented to the Treasury the hardships you lye under by having no duties or taxes to defray the contingencies of your Government. As for us we shall never be wanting in our assistance when anything of that nature shall come properly before us, which must take all its rise elsewhere. We take notice of what you wrote, Oct. 1st last, of ye great inconveniencies that arises from the want of a Surveyor *etc.* *Quote Representation of 10th May. Continue:* We are glad to hear that Canço is in so flourishing a condition; But we do not perfectly apprehend what you mean by making it a free port which you will be pleas'd to explain to us more fully by the next opportunity, tho' as we conceive your intention we are afraid it will be impracticable. We observe that you have made some small settlements on the little Islands about Canço wherein we presume you have had regard to your Instructions, whereby ye coast is left free for the fishery to all H.M. subjects. [*C.O.* 218, 2. *pp.* 14-17.]

- [June 7.] **173.** Reasons of the claim made by the Governor and Company of the Colony of Connecticut, to the Government of the Narroganset Country, and the objections of the Government of Rhode Island to the contrary, refuted. *See A.P.C. III. No. 4. Endorsed, Recd. (from Mr. Dummer) 7th June, 1722, Read 15th Feb., 1723. 14 pp. [C.O. 5, 1266. ff. 73-86v.]*
- [June 8.] **174.** An account of the Islands lying in Delaware River. [*?By Col. Cox. v. 31st May*]. *Endorsed, Recd. Read 8th June, 1722. 1¼ pp. [C.O. 5, 972. ff. 46, 46v., 52v.]*

- June 11. **175.** Lt. Governor Spotswood to the Council of Trade and
Virginia. Plantations. I have not been honoured with any of your Lordps'. commands since I transmitted the proceedings of the General Assembly in 1720: and tho' I hoped, and the people of the countrey generally expected some signification of H.M. pleasure upon the quitt-rent law, and the encouragemt. of the new countys, before another Session of Assembly had been necessary, yet having no advice that any resolutions were taken in either of these points, I judged it necessary to convene the Assembly this Spring, and am now to informe your Lordps. of the most remarkable proceedings there, reserving my general observations to the usual letter intended to accompany the Laws and Journals weh. are not yet transcribed seing the Session ended only the 7th instant. In order to give yor. Lordps. a

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sketch of what has chiefly been under deliberation this Session, I need only recommend to yor. perusal the inclosed copys of my speech at the opening the Assembly, the several Addresses of the Council and Burgesses, and my Speech at the Prorogation, in which your Lordps. will also observe the perfect harmony there is in the Government, and the general disposition of the country. And that your Lordps. may yet be further satisfy'd concerning its easy circumstances, the inclosed accompts of H.M. Revenue will show how large a ballance remains for the support of the Government after defraying all that extraordinary charge wch. has accrued for fortifying the mouths of the great Rivers. As the Colony is now secured against the attempts of pyrates and other enemys on its sea frontiers by the erection of sundry substantial batterys whereon near sixty peices of cannon are already mounted and all necessary stores of warr supplied; so in pursuance of the unanimous desires of both Houses of the Assembly, I am now preparing for a journey to Albany in order to secure the land frontiers by concluding a treaty with the five Nations upon such a basis as I hope will effectually encourage the people to extend their own settlements without any future apprehensions of danger from Indian enemys. This, my Lords, is the present situation of affairs in this Government, and I doubt not such a prospect will be as agreeable to yor. Lordps. as it is satisfactory to me. If the angry proceedings of the Assembly in the year 1718, occasioned a more than ordinary trouble to yor. Board yor. Lordps. will now have the satisfaction to find the protection you had the goodness to afford me on that occasion, abundantly justified by the proceedings in 1722, and those clamours declared to be groundless wch. were intended to deprive me of any further share in your good opinion, and as to myself I have the pleasure of seing my whole twelve years administration receive so ample a testimony of the approbation both of the Councill and the Representatives of the people, that I hope whatever imputations have been on my conduct heretofore will be looked upon as the effects of some people's private passions rather than any real occasion given on my part. *Signed, A. Spotswood. Endorsed, Recd. 21st, Read 30th Aug., 1722. 2 pp. Enclosed,*

175. i. Lt. Governor Spotswood's Speech to the Council and House of Burgesses, at the opening of the Session, with Addresses by the Burgesses and Council and Burgesses in reply, and Lt. Govr. Spotswood's Speech to the same on proroguing them. *Same endorsement. Copy. 6 pp.*
175. ii. Account of H.M. Revenue of Quit-Rents etc., 25th April, 1721-1722. *Totals:—Receipts (including brought forward, £7296 19s. 0¼d.) £9791 7s. 7¼d. Expenditure, £1978 6s. 2d. Signed, John Grymes, Recr. Genll. Audited by, Nathll. Harrison, Dty. Audr. Same endorsement. 3 pp.*

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175. iii. Account of H.M. Revenue of 2s. pr. hogshead, *etc.*, 25th April—25th Oct., 1721. *Receipts* (including £1850 18s. 0 $\frac{1}{4}$ d. brought forward) £5970 2s. 11d. *Expenditure*: £2678 13s. 5 $\frac{1}{4}$ d. *Signed, audited and endorsed as preceding.* 2 pp.

175. iv. Account of H.M. Revenue of 2s. pr. hogshead, 25th Oct., 1721—25th April, 1722. *Totals*:—*Receipts* (including £3291 9s. 5 $\frac{1}{2}$ d. brought forward) £4415 9s. 0 $\frac{1}{2}$ d. *Expenditure*, £2020 11s. 1 $\frac{3}{4}$ d. *Signature missing. Audited and endorsed as preceding.* 2 pp. [C.O. 5, 1319. Nos. 18, 18. i.–iv.]

June 13. **176.** A. Popple to Mr. West. Encloses, for his opinion
Whitehall. thereupon, Acts of Antego, 1722, (i) *for raising a tax for paying publick debts and charges and particularly applying the said tax*, (ii) *for preservation of the Body Ponds, and making them publick ponds.* (iii) *for establishing a Court of King's Bench, Common Pleas and Errors for the better regulating and settling due methods for the administration of Justice and limitting a time for issuing execution out of the Court of Chancery.* (iv) *to lay a duty on goods imported and for raising an annual sum for the better support of H.E. John Hart etc.* [C.O. 153, 14. pp. 89, 90.]

June 14. **177.** Council of Trade and Plantations to Governor Hart.
Whitehall. *Acknowledge* letters of 13th Jan. and 24th April. *Continue*: We congratulate you upon your safe arrival and the good reception you have met with at the Leewd. Islands. Your observations upon the Acts enclosed to us are very usefull, be pleased to continue the same method for the future, they are now with Mr. West *etc.* We cannot but observe that you have already begun your correspondence with so much exactness that we promise ourselves much satisfaction from the continuance of it. [C.O. 153, 14. p. 91.]

June 14. **178.** Order of King in Council. Referring Representation
Kensington. of 5th inst., upon Act of New York laying a duty of 2 p.c. upon European goods imported *etc.*, to Committee for hearing appeals from the Plantations *etc.* *Signed*, Robert Hales. *Endorsed*, Recd. 9th, Read 13th Nov., 1722. 1 p. [C.O. 5, 1053. ff. 82, 83v.]

June 14. **179.** Council of Trade and Plantations to the King. Report
Whitehall. upon the condition of the Islands in Delaware River. *Set out*, N. J. Archives, 1st Ser. V. 43. [C.O. 5, 1293. pp. 248–252.]

June 14. **180.** Council of Trade and Plantations to Lt. Governor
Whitehall. Hope. *Acknowledge* letters of 17th and 26th March, 1721 $\frac{1}{2}$. *Continue*:—We are glad to hear of your safe arrival *etc.* We

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have recommended Mr. Auchennech, as you desire *etc.* We shall be very glad to receive an account from your self of the situation of affairs in your Government, the rather because the letter of Col. Bennet's to which you refer for such an account, is not come to our hands. As to the Act *to supply the deficiency of several funds*; we inclose a copy of Mr. West's opinion *etc.* and upon this occasion, must observe that tho' at present this Act may be of service to your Government, yet as it continues the duty of 5 p.c. on British goods (laid by a former Act) for so long a term of five and twenty years, and, as we apprehend, that duty may in some measure obstruct the importation of such goods, we shall let the same lye by some time before wee present it to H.M., in hopes you may find in the meanwhile some less exceptionable method of raising money to answer the purposes of that Act. And as the passing of any Act shall affect the trade and shipping of Great Britain is contrary to your Instructions we must desire you will be very cautious in passing any Act that may be liable to that objection. Your reasons are very strong for the suspension of Col. Smith, and you may depend upon everything in our power to support you in the just execution of your Government. [C.O. 38, 7. pp. 464-466.]

June 14. **181.** Order of King in Council. Appointing Andrew Kensington. Auchennech to the Council of Bermuda. *Signed*, Robert Hales. *Endorsed*, Read. 9th, Read 13th Nov., 1722. 1½ pp. [C.O. 37, 10. No. 35.]

June 14. **182.** Mr. Popple to Mr. Attorney General. *Encloses* extract Whitehall. of Governor Burnet's letter and speech, *etc.*, 1st Aug., 1721, as to altering the present constitution of the Assembly of New Jersey, and *enquires* whether H.M. may legally comply *etc.* [C.O. 5, 996. pp. 113, 114.]

June 17. **183.** Governor Burnet to the Council of Trade and Planta- N. York. tions. *Transmits* Minutes of Council and Minutes of Assembly of New Jersey, 7th March—5th May, 1722. *Continues* :—Their Acts of Assembly are not compleatly engrossed, but shall be sent by the next vessel. The Assembly of New York has now been sitting about a fortnight, and I have very good hopes of their proceedings *etc.* *Refers to enclosures.* There is a want of more Councillours for the Province of New York in the room of two who are now wholly useless. The first is Abraham De Peyster, who has now for this year and more remained quite distracted, and is closely confined by his family, without any hopes of his recovery. In whose place I beg leave to recommend Mr. Abraham Van Horn, one of the most eminent merchants at this city. The second person *etc.* is John Johnston, who has without leave *etc.* now resided for above two years

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in New Jersey and has had his whole family so long established there and has no thoughts of returning to this Province and who is besides all this, the very person who has fomented all the mischief in New Jersey in conjunction with Willox the Jacobite, *etc.* v. 25th May. In his room I humbly recommend Mr. William Provost another eminent merchant of this city *etc.* *Acknowledges* letter of 20th Dec. in relation to the claim of the Countess of Bellomont. I have thereupon enquired of Mr. Abraham De Peyster junr. *etc.* if he had any moneys in his hands due to Lady Bellomont, who told me it appeared by his books that the Ld. Bellomont was in his father's debt, and that he did not know that the country were in debt to that Lord for salary. But that he desired more time to inform himself more particularly *etc.* *Set out*, N.Y. Col. Docs. V. p. 649. P.S. I herewith send the Minutes of Council for New York, 20th Sept., 1721–8th June, 1722. *Signed*, W. Burnet. *Endorsed*, Reed. 1st, Read 7th Aug., 1722. *Holograph*. 4 pp. *Enclosed*,

183. i. Governor Burnet's Speech to the Assembly of New York, 31st May, 1722. Warns them that the Act for *laying 2 p.c. on European goods* is not likely to be confirmed; as the Legislature at home have passed a law to give a premium upon the exportation of British manufactures, it is scarce to be expected that the Crown will consent to a duty on those very manufactures when imported into the Plantations. *Hopes* that they will find other means to provide for the same purposes, and also to sink the paper bills, the Revenue having failed to answer the expectations of the Act for the support of government *etc.* *Signed*, W. Burnet. *Printed*. 1 $\frac{3}{4}$ pp.

183. ii. Address of Assembly of New York to Governor Burnet. 14th June, 1722. *Reply to preceding*. Convinced of H.E.'s endeavours for the public welfare, they will support him by providing for deficiencies, *etc.* *Signed*, R. Livingston, Speaker. *Endorsed as covering letter*. *Printed*. 1 p. [C.O. 5, 1053. ff. 75–76v., 77v.–79v.]

June 18.
Boston, New
England.

184. Governor Shute to Mr. Popple. *Encloses following*. *Continues*:—I have received no commands from the Rt. Honble. Board for these ten months last past, and therefore am afraid their Lordships dispatches were lost on board Capt. Bourn's ship, which was accidentally burnt at sea in her passage hither. The General Assembly is now sitting, and when the Session is over I shall write more at large. P.S. Last night by an express from the Eastward I'm informed the Indians have burnt a house, pulled down a mill, killed ten oxen, and taken five Englishmen captives, so that I'm afraid there will be no avoiding

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a war with them. I shall acquaint their Lorsps. with our proceedings in this matter pr. the first opportunity. *In margin.* Sent to Lord Carteret 10th Aug. *Signed,* Samll. Shute. *Endorsed,* Recd. 6th, Read 8th Aug., 1722. $1\frac{1}{2}$ pp. *Enclosed,*

184. i. Minutes of Council of New Hampshire, Nov. 21, 1721—April 30th, 1722. *Same endorsement.* $14\frac{1}{2}$ pp. [*C.O.* 5, 868. *ff.* 286, 286v., 287v.—295v.]

June 19. Kensington. **185.** H.M. Warrant granting Stephen Duport leave of absence from St. Kitts for one year *etc.* *Countersigned,* Carteret. *Endorsed,* Recd. Read 25th June, 1722. *Copy.* 1 p. [*C.O.* 152, 14. *ff.* 133, 134v ; and 324, 34. pp. 134, 135.]

[June 19.] **186.** Brigadier Hunter's Account of the Act of New York for annulling a fraudulent conveyance of Mary Daveport. (v. 30th May). Misrole's widow, aged 60, married one Price a young man who came accidentally into New York. She was prevailed upon by Price at the instigation of Tennant and Rousby men of ill fame to settle the estate on him and his heirs, which settlement when she was apprized of its purport she saw destroyed, but the same persons afterwards prevailed with her to make such another deed, when she was to execute it, she asked if it was anyway to the prejudice of her children (for she could not read), and if so she would not execute it, but being told that it was not, she comply'd. This the woman herself made appear by credible witnesses and the acknowledgment of the contrivers themselves before the Council upon which the Agents for the claimants on this side ceased giving any further stop to the passing the Act and I think formally relinquish the same and the Act passed accordingly, by which the man's own children and grandchildren a laborious industrious people are possessed of their fathers estate. *Endorsed,* Recd. (from Hunter), Read 19th June, 1722. *Holograph.* 1 p. [*C.O.* 5, 1053. *ff.* 70, 71v.]

[June 19.] **187.** Petition of Jane Alley and James Bennet to the Council of Trade and Plantations. Petition for repeal of above Act of New York *etc.* (v. 30th May). *Endorsed,* Recd. Read 19th June, 1722. $1\frac{1}{2}$ pp. [*C.O.* 5, 1053. *ff.* 72, 72v., 73v.]

June 20. Whitehall. **188.** Mr. Popple to Sir R. Raymond. Presses for reply to May 25th. [*C.O.* 5, 915. p. 342.]

June 20. Boston. **189.** Mr. Cumings to Mr. Popple. *Returns thanks* for several acts of friendship. *Continues* :—Last week a parcell of Indians, about the number of 60 came down in an hostile manner, att Kannebeck River to the Estward, and there disturbed the inhabitants settled there, and their took their cloaths, and bedding from them. and spoilt all their provissions, threatning them, if they would not be gone of their land, they would kill

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them and burn their houses, they have killed severall cattle, carried away five or six persons prisoners, burnt two houses and a saw mill, all this I presume proceeds from the insinuation, and instigation of the french. I am of opinion, that these Eastern countrys will never be settled in safety, without protected by the Crown, if they were settled, it would be of great service, to Brittain, the land being very good, for the production of hemp *etc.* Sr. I could propose a scheme, how to raise a fund in the plantations, which would not be burthensome, but sufficient, to defray the expence, of keeping and maintaining 5 or 6 thousand regular troops, for the defence of the plantations, paying of governours and other officers salerys appointed by the Crowne, without any charge to great Brittain, *etc.*, if I had encouragement for the same *etc.* There is no Surveyor of the woods resident here, to take care of the same *etc.* *Desires* to be recommended for that post. *Continues*: There has been lately two small pirate vessels, upon the coast, which have taken some vessells, the government of Rhode Island, fitted out two sloops, in quest of them, and this government fitted out a ship, to go after them, the man of war, being gone to Canso, to protect the fishery, which yearly encreaseth *etc.* *21st instant.* Our government has 200 men at ye Estward and are asending an 100 more *etc.* Just now we hear ye pirates have taken two vessells more upon the coast. *Signed*, Archd. Cumings. *Endorsed*, Recd. 6th, Read 8th Aug., 1722. *Addressed.* *Postmark.* 1 $\frac{1}{4}$ pp. [C.O. 5, 868. ff. 296, 296v., 297v.]

June 21.
Antigua.

190. Governor Hart to the Council of Trade and Plantations. *Refers to* letter and enclosures 2nd May. *Continues*: On my arrival at St. Christophers I found the feuds and differences between the Council and Assembly ran as high *etc.* as they have done in Barbados, which occasioned a stop to all publick business in that Island; Insomuch that there had been no Act for regulating the Militia for three years past; But as I have had the good fortune to reconcile their differences, the good understanding that is now betwixt the Council and Assembly has produced the following Acts, which are for the welfare, security, and the better Government of that Island. The first is an Act *to regulate the Militia*. A great part of this Act is extracted from many Militia Acts passed in the British Colonies abroad, and the whole adapted to the use and conveniency of this Island, which when vigourously put in execution (which I shall not fail to do) I doubt not to have the Militia of that Island so well disciplin'd as to put it in a good posture of defence in case of a war. The second is an Act *for the continuance of such part of an Act for the employing negroes on the fortification of this Island and for rendering more effectual and explaining an Act for raising of a tax by the poll on all slaves etc. as relates to the employing of negroes upon the said fortifications*. This is

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only for reviving of a former Act for the erecting of fortifications, which not being thoroughly finish'd is for compleating of the same. Brimpton Hill mentioned in that Act is a very regular fortification and so situated, that in case of an attempt on the Island as to receive the women and all their best effects ; and the natural strength of the place so well improved by the scheme and the indefatigable industry of Mr. Mathew (H.M. Lt. General of these Islands) as to be made defensible by 300 men against any numbers that can be brought against them into these parts. And the other fortifications of these Islands by the care of that Gentleman are all in a very good disposition. The third is an Act *for the raising of gunpowder and small arms upon the tonnage of vessels trading to this Island etc.* This Act is so necessary for the defense of the Island being the revival of a former Act sent to your Lordships, I shall not trouble your Lordships any more on that head. The fourth is an Act *for the good government of servants for ordering the rights between masters and servants encouraging the importation of servants for directing a due performance of contracts and for payment of wages to artificers workmen and labourers.* The several complaints that were made to me upon my arrival on that Island, who were distressed by their masters with design to keep them longer in their service than the term of years they were bound to them for, and the cruell treatment that they met with upon that score contrary to the liberties of British subjects, together with the most unjust usage that was given to artificers and labourers who were not able to go to law with the persons they contracted with for their wages (all which tended to the enslaving of their servants and dispeopling the Island of such labouring men) was the occasion of promoting this Act, which is so well provided for the liberty of the servants and securing the property of the labourers as puts them on the same footing with their fellow subjects in Great Britain. The fifth is an Act *for attainting several negroes etc. and the more effectual preventing negroes from running away etc.* St. Christophers has a ridge of very high and inaccessible mountains that runs east and west through the Island, which has encouraged great numbers of the negroes to run away and resort thereto ; and these mountains affording no sustenance, they descend in the night to get provisions, which they secretly steal or rob by open violence from the neighbouring Plantations. This they often committed during my residence on the Island, and as the number of slaves is the wealth of the inhabitants, and there being no law to restrain the fugitives, which might endanger the safety of the Island, to prevent which this Act is prepared, which tho' it may seem to contain several severities to those that are not acquainted with the sullen and barbarous temper of the negroes, yet I presume when it is compared with Acts of the same nature provided in Jamaica and Barbados, these severities will be

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thought excusable and even absolutely necessary. My Lords, As my stay in the Island of Mountserat was very short, being obliged to publish my Commission in the other Islands, I pass'd but one Act in that Island (entituled an Act *for granting to H.M. certain duties upon the import of dry goods and liquours etc. and for the payment of £500 annually to H.E. etc.*) On my offering the 32nd Article of my Instructions the Council and Assembly immediately came to a resolution to settle £500 p. ann. on me during my Government, which £500 being paid in the growth and produce of the Island will not yield half that summ in sterling money; tho' the summ is no way proportioned to the expensive voiaiges I shall be obliged to make to that Island, yet as their trade is not great, and being given with chearfullness I did not press them to a further allowance. The Council and Assembly of that Island have sent me the inclosed Act *for raising a levy or poll tax for taxing the several houses within the town of Plimouth and for assessing each respective trader within the Island.* This Act being a tax only of 9s. p. head upon negroes to be paid in the growth of the country and an assessment on several merchants amounting only to £200 current money, and is raised for defraying the publick charges of that Island. The great distance there is between the several Islands of this Government, the negligence of the several Clerks therein is the reason I have not been able to procure your Lordships the Journals and Proceedings of the Councils and Assembly, of each respective Island; tho' I have often reiterated my orders to them for that purpose, but hope so far to oblige them to their duty as to remit them to your Lordships in a short time. The Clerk of the Assembly of Antigua being the only one that has given me the minutes of their proceedings wch. commences 1st Jan. and ends the 24th Feb. 172 $\frac{1}{2}$. The Assemblys of the several Islands have in obedience to H.M. commands revised their laws, which being in great confusion and numerous, will be a work of a considerable time, but shall endeavour to procure 'em for your Lordships with all the expedition that is practicable. *Signed, Jo. Hart. Endorsed, Reed. 18th, Read 19th Sept., 1722. 5 $\frac{3}{4}$ pp. [C.O. 152, 14. ff. 154-156v., 157v.]*

June 21. **191.** H.M. Commission to John Carter to be Secretary of Kensington. Virginia for life, in place of Thomas Tickell, who has surrendered his Letters Patents and besought Us to grant the office to Carter *etc. Countersigned, Carteret. Copy. [C.O. 324, 34. pp. 145-147.]*

June 23. **192.** Ordinance of General Assembly of South Carolina appointing John Croskeys country waiter in place of Jeremiah Miller, resigned. *Signed, Fr. Nicholson, Ja. Moore, Speaker. Copy. 1 p. [C.O. 5, 382. No. 33.]*

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June 23. **193.** Acts of South Carolina (i) *for incorporating and better governing the City of Charles Town*; (ii) *for building bridges at Santee*; and (iii) *over Ashley River*; (iv) *for relief of poor debtors*; (v) *for advancing the salaries of the Clergy*; (vi) *for preventing the desertion of insolvent debtors. Copies certified by Charles Hart, Secry. [C.O. 5, 382. Nos. 27-32.]*

June 23. **194.** John Marsh to the Council of Trade and Plantations. Prays them to appoint a short day for hearing the objections to the Act of Antigua *to indemnify Anthony Brown etc.*, a reply to their Lordships queries to Governor Hamilton, 1720, having been returned. *Signed, J. Marsh, Soll. Endorsed, Reed. 23rd. Read 28th June, 1722. 1 p. [C.O. 152, 14. ff. 135, 135v.]*

June 23. **195.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. I delay'd for sometime the appointing a Solicitor of the Virginia affairs in the room of Collo. Blakiston, that I might have the more leisure to think of a fitt person for that employment: Mr. Byrd, and Mr. John Carter both natives of this countrey, and now in England were the two candidates for it; and upon consulting every Member of H.M. Council, I found the general inclination of the Board to be for Mr. Carter, three only appearing in behalf of Mr. Byrd. Besides the character Mr. Carter has of being a Gentleman of bright parts, he is the eldest son of one of the present members of H.M. Council here, who has the most considerable estate of any man in the country. The young Gentleman has had the advantages of a more liberal education both at the University and Inns of Court, than is common for those of this countrey, and is now a Barrister at Law in the Middle Temple: and because his inclinations are still to improve his knowledge by a longer abode in England, I am the rather desirous to gratify him with an employment, which at the same time that it affords him an opportunity of acquainting himself with the affairs and constitution of his own countrey will likewise convince him how much its interest and prosperity depends on the indulgent favour of the Crown, and so qualify him for the service of both, whenever the ample fortune he is one day like to be master of, shal determine his return hither. For these reasons it is, that I have appointed him to be Solicitor of the Virginia affairs in the room of Collo. Blakiston deceased, and as such I humbly recommend him to yor. Lordps. favour, not only that he may be admitted as occasion shal require to negotiate the affairs of this Government at yor. Board but that yor. Lordps. will be pleased to assist him with yor. interest and recommendation towards his obtaining that additional sallary out of the quitt rents, which H.M. was pleased to allow to the last Solicitor. *Signed, A. Spotswood. Endorsed, Reed. 27th. Read 30th Aug., 1722. 1½ pp. [C.O. 5, 1319. No. 19.]*

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- June 24. **196.** Petty Expences of the Board of Trade March 25—June 24, 1722. *v. Journal of Council.* 6 pp. [C.O. 388, 78. ff. 31, 32, 37, 38, 42, 45, 46.]
- June 26. **197.** Mr. Popple to Capt. Hyde. Eneloses extract of Lt. Whitehall. Governor Spotswood's letter relating to proposed lighthouse at Cape Henry, for his opinion and that of Richard Harris. [C.O. 5, 1365. p. 239.]
- June 26. **198.** H.M. Warrant for admitting Andrew Auchenleek to Kensington. the Council of Bermuda. *Countersigned*, Carteret. *Copy.* [C.O. 324, 34. p. 145.]
- June 26. **199.** Mr. Popple to Mr. West. Encloses Acts of S. Carolina Whitehall. passed in 1721, 1722, for his opinion in point of law. [C.O. 5, 400. p. 149.]
- June 28. **200.** *Same* to Mr. West. Encloses further Acts of Carolina, Whitehall. 1721, 1722. (*v. preceding*). [C.O. 5, 400. p. 149.]
- June 28. **201.** Mr. Burchett to Mr. Popple. Requests copies of Admiralty Charter of Rhode Island and H.M. Order (1703) "whereby the Office. Proprietors were discharged from exercising any part of Admty. Jurisdiction, in order to the adjusting some disputes between the Governors of New England and Rhode Island, relating to Admty. Jurisdiction." *Signed*, J. Burchett. *Endorsed*, Reed. 28th June, Read 4th July, 1722. *Addressed.* 1 p. [C.O. 5, 1266. ff. 50, 51v.]
- June 28. **202.** Mr. Popple to Lt. Governor Hope. Encloses duplicate Whitehall. of 14th June. [C.O. 38, 7. p. 467.]
- June 29. **203.** Lt. Governor Hope to Mr. Popple. *Encloses* following Bermuda. for Instructions thereupon. *Continues*: There never was any such Commission here before, nor can any body here tell what these dues are. The Gentleman that has it has indeed shown me the instructions he has from his constituents; in which I find he has orders to collect and receive, several perquisites, that the Governor here, as Vice-Admiral has always enjoy'd *etc.* I am resolved not to part with any of my perquisites, till I am order'd by a superior power *etc.* *Refers* to him to decide between them whether his salary was to be divided equally with Col. Bennet before his arrival *etc.* *Signed*, John Hope. *Endorsed*, Reed.,—, Read 17th Oct., 1722. 1 $\frac{3}{4}$ pp. *Enclosed*,
 203. i. Commission by the Receiver General and Solicitor and Comptroller of the rights and perquisites of Admiralty, appointing Robert Dinwiddie Agent to collect the same in Bermuda. 1st Sept., 1721. *Signed*, Robert Byng, Thos. Jobber. *Copy.* 1 $\frac{1}{2}$ pp. [C.O. 37, 10. Nos. 33, 33. i.; and (*abstract*) 37, 24. p. 10.]

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June 29.
Bermuda.

204. Lt. Governor Hope to the Council of Trade and Plantations. *Encloses* trial of John Lewis, "who was executed upon the 15th, for barbarously murdering Capt. Landy" *etc.* *Continues*:—I was oblig'd to grant a special commission for that purpose; the Chief Justice having desir'd to be excus'd, by reason of some disputes betwixt him and Col. Smith, father-in-law to the murderer *etc.* Two sloops belonging to this place, have been taken by a pyrate, amongst the Bahama Islands: One of them he releas'd after he had kept him three weeks: the master of which acquaints me that the pyrate had 40 odd men aboard, all Spaniards, the vessell a Spanish galley that had been in commission and but lately revolted, *etc.* *Signed*, John Hope. *Endorsed*, Reed. 12th Oct., Read 9th Nov., 1722. $1\frac{1}{2}$ pp. *Enclosed*,

204. i. Trial and condemnation of John Lewis for murder. Bermuda, 4th June, 1722. *Endorsed as preceding.* *Copy.* 10 pp. [*C.O.* 37, 10. *Nos.* 34, 34. i.; and (*abstract*) 37, 24. p. 10.]

June 29.
Annapolis
Royal.

205. Lt. Governor Doucett to the Council of Trade and Plantations. As H. E. Governor Philipps is still att Canso, and by the reason of the length of time of mine getting to him, and that it would be late for your Lordships before H.E. could send advice of the transsactions that have unexpectedly happend in these parts from the Indians, who have without the least provocation on our side, plunder'd and took severall vessells trading hither, as appears by the inclosed declarations, *etc.* The news of which, and seeing the person's return'd strip't and plunder'd, and being acquainted by them of the savages designs against this town and garrison, I thought it proper to send a command of men out emediatly and secure some Indians I heard was in town, and up the Cape, and gott into my possession 22 men, weomen and children which I keep as hostages in order to prevent them plundering any of H.M. subjects that they may have in their hands, which allso will bring them to submitt, att least to talk with some of their Cheifs. *No.* (4) is with submission what I intend to represent to them, and have sent a sloop express to Canso for H.E.'s instructions as allso to warn the fishermen and traders on the coast to be on their guard, being inform'd that some of the savages are gone on purpose to take and disturb all they can. I can't find out the cause, but this I'm sure on, that if the Indians can hinder our vessells to trade in this Bay, the French Governmts. will have all the trade of it by the way of Bay Vert, to Chignectou, and from Tacamagush to Minis, Cobigit, Pissiguit, *etc.*, and now when some of our traders were prisoners att Minis they saw traders from Cape Breton, or Isle St. John's with great cargoe's of woollen and linning. As to the inhabitants who desire to live as neuter, must say they

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never will, for tho' they don't take up arms with the Indians att this juncture, wee have great reason to believe they incite the Indians to disturb us, who suffer our trader's to be rob'd att their doore's tho' they have ten times the number; and to express their concern for their losses laugh in their faces and buy the goods from the Indian's, att their own prices (and really as they call it, att bon marché) for what cost's our traders twenty shillings they gett for twenty pence, and wee are certain if they know of any ill designe of the Indians towards us, they never will discover or give advice to the Governmts. of such till they are sure it's too late to prevent, and when they are taxed with such their misprision, their answer is they durst not open their mouths for fear of the savage's. And now should any thing be required of them by the Governmt. which they should have no mind to comply with, their answer is they can't for fear of being destroy'd by the savages, an instance of which they shew'd but yesterday in a trifle, which was that a couple of oxen belong[ing] to this garrison had gott about a mile off and use'd to come to a certain house there, night, and morning, and because I had order'd that no person should goe so farr belonging to this garrison, the owner of them gott a French boy who went to the house where he saw the oxen, and desir'd the people to turn them to him which were makeing toward's the woods, they made answer that they could not for the savage's would not lett them and bid the boy begon, on which I sent for one of the head's amongst them, and told him I expected that the inhabitants of the Cape should bring them to the garrison, and ordered him to tell them so who att night brought word that they could not for fear of the savages, on which I sent out a party who gott to the place att break of day and drove them hither this morning with others to shew them wee were not such close prisoner's as they thought wee were. So that your Lordships see's by a trifle what wee may expect from their good will towards us, and that when they can doe us any hurt by being silent and passive they lay it to the charge of the Indians, and when ever they should find a fitt opertunity to be active against us, as in case of a warr with Franec they would lay their rebellion on them and take up arm's, out of their fear of the savage's who had force'd them to it. I have put everything into as good a posture of defence as our circumstances will allow. *Refers* to report of Engineer to Board of Ordnance, 23rd June, and to a letter and petition sent by himself in the fall. *Signed*, John Doucett. *Endorsed*, Reed. 21st, Read 25th Sept., 1722. 4 pp. *Enclosed*,

205. i. Journal of Hibbert Newton, Collector of Customs, Nova Scotia. Bound for Boston in the sloop *Ipswich*, James Blinn master, they went ashore at Otter Harbour in Passimaquada, and were attacked by Indians, who said it was war, and that Indians from

1722.

- St. John's River had lately seized George Lynham's sloop and had gone to Menis and Chenecto to take what vessels they could there, and afterwards were to join with the Indians of Chapnaeady and Cape Sables and would come and destroy all the Indians at Annapolis. Two of the crew escaped and got the sloop under sail, whereupon the Indians released us upon paying ransom *etc.* Annapolis Royal, June 16, 1722. *Signed*, Hibbert Newton, James Blinn. *Endorsed as preceding.* 4 pp.
205. ii. Lt. Governor Doucett's proposed speech to the Indians, announcing that, in reprizal for their murdering H.M. subjects and plundering their sloops, he has seized hostages for their good behaviour *etc.* *Signed*, John Doucett. *Same endorsement.* 2 pp.
205. iii. Deposition of George Lynham, master and owner of the sloop *Prosperity*. Bound from Boston for Annapolis Royal, he was captured by Indians off Checanecto *etc.* v. No. 1. He was forced to take 45 Indian warriors to join 120 others who were there preparing to surprise Annapolis Royal. They seized the sloop of Mr. Winniett who came there from Annapolis Royal to trade. Deponent saw several pieces of cloth (from Lynham's sloop) used to adorn the altars of the French Missionaries, He was released on 26th June, to obtain ransome for Winniett's sloop *etc.* Annapolis Royal, 27th June, 1722. *Signed*, George Lynham. *Same endorsement.* 2 pp.
205. iv. Deposition of Joseph Bissell, master and owner of the sloop *Dove*. Bound from Boston for Annapolis Royal, he was seized by Indians at Penobscot, June 10th. The reason they gave for taking him prisoner was that it was Mr. Vaudreuil's and the priest's orders, by reason of the Indian hostages at Boston and that the English had settled upon their land. The French inhabitants saved him and his men by taking them into the woods, but the Priest took a share of the plunder and hanged some of it upon his altar, to say mass for the Indians *etc.* He escaped, whilst the Indians sailed to attack the Fort on St. George's River, Capt. Westbrook, Commander. They did not dare to attempt it, but burnt one vessel, a saw-mill and four houses, took 7 prisoners and killed one, and killed all the cattle thereabouts. Annapolis Royal, 24th June, 1722. *Signed*, Joseph Bissell. *Same endorsement.* 3 pp. [*C.O.* 217, 4. ff. 112-121v.]

June 30.
Whitehall.

206. Alured Popple to the Advocate General for Scotland. The Council of Trade and Plantations desire you wou'd have the enclos'd copy of Sir Wm. Alexander's grant of Nova

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Seotia examin'd by the Records at Edinburgh, that their Lordps. may have a copy upon which they may depend. [C.O. 218, 2. p. 18.]

July 2. **207.** Lord Carteret to Governor Nicholson. Mr. Carrington
Whitehall. the bearer hereof has requested, that he may have the liberty to transport 15 or 20 brace of fallow deer for breed from South Carolina to Hog Island one of the Bahama Islands; and as he proposes to be at the charge and trouble thereof, I reecomend it to you to gratify him in this request, so far as it may be done without any damage or inconvenience to the Country under yr. Government. *Signed,* Carteret. [C.O. 324, 34. p. 147.]

July 2. **208.** Charles Carrington to Mr. Popple. *Encloses* following, which he hopes will move the Board to recommend an Assembly to ascertain property and quiet the possessions and minds of the dispairing people. *Continues* :—Mr. Doeminique assures me the merchants of the Bahama Society are peremptorily determined to oppose an Assembly, weh. in my judgment is to oppose the happy settleing and improvement of the Colony *etc.* *Asks* to be allowed to attend the Board on behalf of the inhabitants of the Bahama Islands. *Without signature. Endorsed,* Reed. 3rd July, 1722. Read 27th Jan., 1723. *Holograph. Addressed.* 1 p. *Enclosed,*

208. i. Address of the Council of the Bahama Islands to Governor Rogers. N. Providence, 18th July, 1721. *Refer* to the many publick as well as private remonstrances which your Excellency has sent to Great Brittain representing the impediments this Government has struggled with *etc.* not meeting with any answer *etc.* *Continue* : Your Excy. is very sencible how long we have been amus'd with a promis'd certainty of a ship laded with reeruits, provisions, stores of war and necessarys for the garrison from England, yet remain unsupplied; so that we have no other dependance left, than what credit your Excy. procured for us with Genl. Nicholson and the Gentlemen of So. Carolina. We most earnestly entreat that your Excelley. would send us the earliest advices of what we have yet to hope for from H.M.; for unless H.M. do's from his known wisdom and goodness put the Government of these Islands upon the same foot with Jamaica, Barbadoes, N. York, Bermuda, *etc.*, we justly fear our time hitherto has been misapplied here, and must seek a being elsewhere *etc.* Since your Excelleys. last departure from us, many familys have gone off, and what remain are uneasy because unsettled in their constitution and possessions. The Lord-like Agents of the Bahama Compa. here, treat their

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Customers with insupportable pride, turning many away, that carry money to purchase what they want ; and we cannot have the minutest thing wch. the Garrison has need of for mony, so fixt is the resolution of the said Compa's Factors to streighten and disable the Royalists. Our late proceedings of Council herewith enclosed, will fully evidence, how little the publick good, or the honour of H.M. is consider'd by them. We have a more honourable opinion of the greater part of their Masters than to think, their Factors act and behave themselves so meanly by their Masters' Instructions, therefore doubt not but they will have just reprimands *etc.* We most sincerely wish that Capt. Middleton may find your Exceley. safely arriv'd in Great Brittain, amidst many friends both able and willing to support the Royal cause you have undertook for the publick good *etc.* *Signed, W. Fairfax, and six others. Endorsed, Reed. 3rd July, 1722. 2 pp.*

208. ii. Deposition of Thomas Barnett, Councillor, as to arbitrary treatment by James Gohier in respect of a grant of lands demanded by him *etc.* 10th March, 1721. 1 p.
208. iii. Deposition of James Jenner, Surveyor General ; to same effect. Deponent resigned on that account. 10th March, 1721. *Signed, James Jenner. 2 pp.*
208. iv. Deposition of Athanias Eling. 20th Feb., 1721. Mr. Gohier refused to grant her a patent for some lands *etc.* *Signed, Athanias Eling. $\frac{3}{4}$ p.*
208. v. Deposition of Richard Roche. 10th March, 1721. James Gohier said Governor Rogers had embezzelled almost all the Co-partners' effects and was in debt in England *etc.* As soon as the new Governor arrives he would be sent prisoner to England *etc.* *Signed, Richd. Roche. 2 pp.*
208. vi. Deposition of Thomas Robinson. 18th Feb., 1721. Mr. Gohier called Governor Rogers a cheat and said that if he returned he would put him in prison *etc.* *Signed, Tho. Robinson. 1 p.*
208. vii. Deposition of Ann Shipton. Feb., 1721. Mr. Gohier laid out a tract of land for his own use, upon which she and her husband had built a house and lived for three years, and obliges them to pay rent for said house. *Signed, Ann Shipton, her mark. 1 p.*
208. viii. Deposition of Mildred, widow of Josiah Syms. 15th Feb. 1721. Deponent took up a piece of land and planted it for two or three years with yams and potatoes for sustenance for herself and family and negroes *etc.* Gohire ran the said land out for his own

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- use and forbade her to gather her crops. Governor Rogers had told her she might so plant where she pleased, till the island was better established. *Signed*, Mildred Syms, her mark. 2 pp.
208. ix. Deposition of John Dalrymple. 10th March, 1721. James Gohier ordered deponent to turn out of his house which he had built near Nassau by liberty given him from Governor Rogers. In his absence at sea, Gohier compelled his wife to pull the house down *etc.* *Signed*, John Dalrymple. $\frac{3}{4}$ p.
208. x. Deposition of William Jones. 21st Feb., 1721. Gohier took possession of a plantation cleared and planted by Robert Gilerest *etc.* *Signed*, William Jones. 1 p.
208. xi. Deposition of Leonard Harper. 21st Feb., 1721. Gohier, Agent for the Co-partners, refused to run out some land for him upon which he had lived for seven years past *etc.* *Signed*, Leonard Harper, *his mark*. 1 p.
208. xii. Deposition of Samuel Watkins. Gohier caused to be laid out by the Surveyor General for his own use some land on which Deponent lived and built a house, after Governor Rogers had promised him that he should have it *etc.* *Signed*, Samuel Watkins. 1 p.
208. xiii. Deposition of Peter Courant, 26th Feb., 1721. James Gohier dining with deponent said that he had put forth a proclamation directing everybody to pay their quit-rents but that no one had done so, and that therefore their lands were become escheated and did revert to the Co-partners. Deponent having 100 acres which he had not had a grant for quite a year, said he had not heard anything of his proclamation, nor was there a year's quit-rent due, but he would pay him then what was due. Gohier refused, telling him it was too late, and that the land was forfeited *etc.* Gohier said Governor Rogers had a mind the Spaniards should take the Island, for he had no other way of making up his accounts, and that he was a foolish dog, and a cursed rogue. *Signed*, Petr. Courant. 1 p.
208. xiv. Deposition of John Thomas. 27th Feb., 1721. Governor Rogers having given liberty to deponent to build upon a lot of land near Nassau before Mr. Gohier's arrival, Mr. Gohier sent for deponent and said that neither he nor the Governor should have any land, if he thought fit, upon which deponent was obliged to quit and lose the timber of his house *etc.* Mr. Gohier refuses them any lot on the island. *Signed*, John Thomas, *his mark*. 1 p.

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208. xv. Deposition of Robert Wishart. 21st Feb., 1721. Deponent bought of John Cullemore a house and lot for which Gohier refuses to grant the latter a patent, though he had granted him a warrant to the Surveyor to survey the said lot. This refusal was malicious, Gohier having had some difference with deponent. *Signed*, Robert Wishart. 1 p.
208. xvi. Deposition of John Cullemore. 21st Feb., 1721. Corroborates preceding. *Signed*, John Cullemore. $\frac{3}{4}$ p.
208. xvii. Deposition of John Watkins. 21st Feb., 1721. Gohire went with his servants into the lot of Dorothy Richardson and grubbed up several orange trees which she had planted, wch. he planted on his own ground. *Signed*, John Watkins. $\frac{1}{2}$ p.
208. xviii. Deposition of James Jenner, Surveyor General. 22nd Feb., 1721. Deponent had a warrant under the hand of James Gohire for laying out the above said lot of land to one Ann Goodrick, daughter of said Richardson, to whom sd. Richardson had given it as a portion in marriage, but afterwards Gohire ordered deponent not to lay out the said lot to her. *Signed*, James Jenner. $\frac{1}{2}$ p.
208. xix. Deposition of Dorothy Richardson. 21st Feb., 1721. Confirms Nos. xvii and xviii. *Signed*, Dorothy Richardson, *her mark*. $\frac{3}{4}$ p.
208. xx. Depositions in the case of James Gohier v. James Roberts and Thomas Petty, Moses Sims, mariner, and other old inhabitants of New Providence make oath that until James Gohier arrived, no claim of a tenth of the seal fish or oil was ever made, but he, on pretence of a grant from the Crown, has extorted 1-10th of the oil of the seal fish, as Lord of the Manor, and in conjunction with the Chief Justice, Walker, has greatly oppressed the poor inhabitants, forcing some to quit their houses and plantations which they have quietly possessed 20 years, and refusing lots to others who desired to settle *etc.* They force persons going to fish for turtle to give bond to return to Providence and pay for a licence to fish, *etc.* *Signed*, Moses Syms, *his mark*, and 5 others. 2 pp. Nos. ii-xx endorsed, Reed. 3rd July, 1722. [C.O. 23, 2. ff. 80, 81v.-83, 85, 85v., 87, 88-89v., 90, 91-92, 93, 94, 95, 96, 97, 98-100v., 101v., 102v.]

July 2.
Annapolis
Royal.

209. Lt. Governor Doucett to the Council of Trade and Plantations. Since mine of ye 28th June Winniet arrived here *etc.* (v. 29th June No. iii and encl. No. i.) With him came two Indians from Minis and brought a letter from the Missionary

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of the Indians *etc.* (v. encl. ii.-iv.) *Continues*: I don't doubt but your Lordships will hear from H.E. of this Preist's behaviour, who has never been with H.E. or me since wee have been there in this Provençe, and travels up and down the same as he pleases, and settles missions as he thinks proper without H.E.'s knowledge, for want of which, I dare say your Lordships will be of the opinion that he does not doe it for the good of H.M. interest *etc.* He is a half Indian, and a zealous biggott, with a capacity to follow the tenents of the Romish faith, and indefatigable in his travelling through the woods from place to place. Your Lordships see's what he says concerning his Mission *etc.* But he can never deny but his Mission had to doe with the affair of Canso, and the year before last in plundering of one Mr. Alden's sloop att Minis *etc.* *Refers to his proposed speech* (June 29, No. ii), "which I shall send to this Gentleman to refresh his memory." *Continues*: My Lord's this is the pass wee are att every day, our traders robb'd and plunder'd every year and thus shifted from one, to another, as for instance when Mr. Alden was plunder'd *etc.*, the Missionary att St. Johns River express'd then his concern for our people's misfortune, and said for the savages in his Mission that none of them had a hand in it, and now Mr. Gaulin expresses the same concern and says that his Mission had no hand in it, tho' att the same time it appears by Lynham's declaration and Mr. Winniet's that a good deal of the plunder went to adorn his chaple when he was to say mass to the Indians. But if his Mission did not actually take the sloops, wee are very seneible that they went to Minis in order to partake of the plunder but came too late, for the other Indians had shared what they had gott, on which these Indians were very angry and att last the others intended to lett them have something. But in the interim news came to Minis that I had gott 22 Indians into my hands, which altered their measures exceedingly, for then they would not have anything to doe with the others, who had plundered the English, and that they would have no hand in it. As to Mr. Gaulin's mentioning us as agressor's I thank God, everybody knows here to the contrary and that wee were so ignorant of their designes, that had not the Collector and Mr. Blin gott here as they did after their being taken att Passmaqudy, I should have wanted advice of their acctions, and designes, and have fall'n myself, with some officer's inocently into their hand's, in takeing the deversions of fishing, or shooting, tho' within a mile of the fort, but know now how to trust them for the future, who are no longer freinds, then they have an opertunity to be otherways *etc.* H.E. will send your Lordships what he thinks proper upon this oecasion, and don't doubt he will be of another opinion of Mr. Gaulin in respect to me *etc.* *Signed*, John Doucett. *Endorsed*, Recd. 21st, Read 25th Sept., 1722. 4 pp. *Enclosed*,

1722.

209. i. W. Winniett to Lt. Governor Doucett. Annapolis Royall, 1st July, 1722. *Describes* his capture by the Indians at Minis *etc.*, *confirming* June 29. *Nos.* iii and iv. *Continues:* On inviting the priest at Minis to intervene, he replied that he was very sorry for my misfortune, but was no ways concerned with the savages, who were masters *etc.* The Indians made enquiries as to the strength of the garrison at Annapolis Royal *etc.* Though they had been at Minis three days before my arrival, and had sent a shallop and canoes to call in all the rest of the Indians, and though the French inhabitants knew Mr. Lynham was taken and that I was bringing them by agreement 60 hhd. of salt *etc.*, yet they never sent a boat to warn me of the danger, nor could I get a messenger among them all to advise you, pretending that the Indians had tould the priest, that if any person dare give you any intelligence, they would put him and his to death. When Mr. Gorlaine the priest to the Indians arrived, he tould me he would order itt otherwise and wished he had been there sooner, and emediatly he proposed to me, my vessell and liberty, but this compliment came by an account they had of some Indians being made prisoners by you, weh. very much abated their other designes and obliged them to give me to the Indians of this River to be exchanged *etc.* They hoisted French colours on board my vessel and carried her out of the port *etc.* I found all the priest Geolain said ware only amusement, and am convinced that he was at the bottom of the whole affair, in conjunction with the other priests, for a great part of my goods was carried into the Mass House, *etc.* The inhabitants bought most of my cargo from the Indians for provisions, made them cloths and shirts, mended their arms and bayonetts, and sold them arms powder and ball *etc.* In arguing with the priest Felix, and telling him that the inhabitants had not interposed as they ought, and that the Government would not take it well of them, he answered me very short, and with a mennacing aire, tould me that if ye Governor medelled with ye French, they would soon find frinds to assist them. I have lost to the ruin of my wife and family to the value of £1500 *etc.* *Signed,* William Winniett. *Same endorsement.* 3 pp.
209. ii. Père Gaulin to Lt. Governor Doucett. Mines, 7th Sept. (O.S.), 1722. I had decided not to reply to your letter, having expected a more civil answer *etc.* (*v. Nos.* iii. iv.). I have obtained the release of Mr. Winnett and his mate, and the Indians hope

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that you will release their people whom you hold unjustly, since they have had no part in what has occurred, and have sent you all the prisoners they could obtain. If you do not, they will find means to take four of your people for every one of theirs. All the savages of my Mission only desire peace and union, which you have been the first to break *etc.* I am sorry for poor Mr. Winnett, but none of us has had a hand in these unfortunate incidents *etc.* *Signed, Gaulin. Same endorsement. French. Copy. 1 $\frac{3}{4}$ pp.*

209. iii. *Same to Same.* Mines, 13th March (O.S.), 1722. *Regrets that his health and the time of year prevent his waiting upon him. Takes the opportunity of his brief stay at Mines to acquaint him that the Indians propose to make a settlement on the River Chebenacady, which flows into the basin of Cobequid, which river has always been assigned to them and reserved for their hunting etc. The only hope of teaching these savages, who recognise no master, their duty, is to have them settled in one place with a Missionary to guide them. At a word from him, he will come to Annapolis Royal, if the public interest renders that desirable. His design is wholly for peace and tranquility etc. Signed, Ant. Gaulin, Père Missionnaire des sauvages de l'Accadie et Isle Royale. Same endorsement. French. Copy. 1 p.*

209. iv. Lt. Governor Doucett to Père Gaulin. Annapolis Royal, 14th March, 172 $\frac{1}{2}$. *Reply to preceding.* Your advice is verrie late, because it has been known by accident some months since of the design. Your neglect to do so in some measure contradicts the great zeal you express for the public tranquility *etc.* When a Government is slighted it causes offence. There could be no occasion for such omission, for it could never have been doubted that H.E. would have denied any such establishment to the Indians *etc.* As to their acknowledging no master, I think that topic has been revised and commenced since we have been in possession of the Province, and really if they are such people that could not be ruled by Père Felix, when there was but a small number, in the late plundering Mr. Alden's vessel, how can you be certain the Missionary will deter them *etc.* If Mr. Gaulin had acted with civility and honour to H.E. by obtaining his leave to travel about the Province and to establish a mission, I should have been glad to see him at Annapolis Royal *etc.* *Signed, John Doucett. Same endorsement. Copy. 1 $\frac{1}{2}$ pp. [C.O.217, 4. ff. 125-135v.]*

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July 5. **210.** Council of Trade and Plantations to Governor
Whitehall. Nicholson. *Acknowledge* letters of 13th and 19th July, 6th Oct.
and 7th Nov. 1721, and 16th Feb. 1722. *Continue* :—We are
glad to hear that you have settled your Government upon so
good a foot for H.M. service, and so much to the satisfaction
of the inhabitants. We likewise congratulate you upon having
settled so good a correspondence with some of your neighbour-
ing Indians, weh. we hope you will do your utmost to maintain.
We are very well pleased with the steps you have taken towards
making a settlemt. on the Alatomaha River, which will be so
great a security and advantage to H.M. Province under your
Governmt. We have been attended by Mr. Yonge and Mr.
Lloyd, whom you have appointed Agents to transact the affairs
of the Province here, and so soon as anything shall be done in
relation to the subject matter of their Memorial, you shall hear
further from us. [C.O. 5, 400. pp. 150, 151.]

July 5. **211.** Council of Trade and Plantations to Deputy Governor
Whitehall. Sir W. Keith. Having at this time under our consideration
several letters from the Governors of H.M. Colonies not yet
answer'd by this Board, we thought ourselves oblig'd to acknow-
ledge the receipt of some former letters from you, relating to
the French Settlements and proper measures for cultivating
a good understanding with the Indians, which contain many
solid and usefull reflections; and we return you our hearty
thanks for the same, desiring that when anything further shall
occur to you, relating to these matters, or any other, wherein
H.M. interest or the trade and welfare of ye British Plantations
may be concern'd, that you'l continue to transmit an acct.
thereof together with your observations thereupon to us.
[C.O. 5, 1293. p. 253.]

July 5. **212.** Council of Trade and Plantations to the King.
Whitehall. Recommend appointment of James Alexander and James
Smith to the Council of New Jersey in the room of Mr. Gordon,
in the Eastern Division, and Mr. Byerley in the Western *etc.*
v. 25th May. [C.O. 5, 996. p. 115.]

July 5. **213.** Mr. Popple to Capt. Hyde and Mr. Harris. *Requests*
Whitehall. reply to 26th June. [C.O. 5, 1365. pp. 239, 240.]

July 7. **214.** Mr. Popple to Mr. Burehett. In reply to 28th June,
Whitehall. encloses copy of Charter of Rhode Island and Order in Council,
1703, relating to Admiralty jurisdiction there. [C.O. 5, 1293.
p. 254.]

July 9. **215.** Governor Sir N. Lawes to the Council of Trade and
Jamaica. Plantations. *Refers* to account of pirates hanged, given 18th
May. *Continues* :—Since which time I have received (*enclosed*)

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letter from the Governour of Cuba complaining of the great injustice done their Nation for hanging so many loyal subjects (as he is pleased to term them) and that he had given the King of Spain an account of it. I have therefore thought it proper to give the Secretary of State a copy of the trial at large *etc.*, that it may plainly appear with how much justice they have received that punishment *etc.* I am sorry I have had so often complaints to make to the Spanish Governours of their guard de la coasts in general who let not one vessel escape them which they can make themselves masters of and have carryed them into Spanish ports where they have as constantly been condemned and they received all manner of protection from their Governours. Among innumerable instances of this kind there happen'd one the other day. A ship from Guinea with a cargoe of negroes bound to this Island in her passage near to Porto Rico met with one of those pretended guard de la coasts who took the ship and carryed her into that Island and we have not yet heard what is become of either the ship or men belonging to her. I hope H.M. will be graciously pleased to represent these things to the Court of Spain for under pretence of such Commissions for guard de la coasts many piracies and robberies are committed and the trade of this Island from Europe and all other parts very much obstructed. The Assembly *etc.* is now sitting *etc.* *Refers to Speech enclosed. Continues:—*Tho' they have come to some resolutions to reimburse the Treasury and support publick credit yet I cannot flatter myself *etc.* they will put it in praetice. 'Tis now a month since they met and not one bill as yet sent up to the Council and the difficulties I am under in supporting of the Government are hardly to be expressed, having neither money nor credit, which makes the present conjuncture the most uncomfortable of my life, it not being in my power to do H.M. or the Country any service. This in some measure proceeds from a want of directions from home upon several matters which I have frequently desired might be laid before H.M. for His Royal pleasure therein. I have been upwards of four years now in this Government and have rec'd. but one letter from your Lordships and very few relating to the affairs of this countrey from the Secretary of State *etc.* *Repeats end of 18th May. Signed, Nicholas Lawes. Endorsed, Reed, 1st, Read 3rd Oct., 1722. 2 $\frac{3}{4}$ pp. Enclosed,*

215. i. Governor of Cuba to Governor Sir N. Lawes. Complaint of hanging of Spanish subjects, *referred to in preceding. Copy. Spanish. 2 pp.*

215. ii. Governor Sir N. Lawes' Speech to the Assembly of Jamaica, 14th June, 1722. Urges granting of supply to enable the Treasury to satisfy its load of debts *etc.* Not a man could be found to trust the Government with a shilling to defray necessary contingencies or expenses for the trial of pirates, because Orders of

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Council carry no interest, and have been offered at 40 or 50 p.c. discount. *Recommends* provision for reception of new Governor *etc.*, and for suppression of rebellious negroes, who have of late appeared in many parts of the country. "I ordered out parties in pursuit of them; but the want of money to pay the men who venture their lives for our safety, is a great discouragement and obstruction to the service" *etc.* *Reminds them* that the Laws are near expiring and offers his aid in preparing them for re-enacting *etc.* *The Weekly Jamaica Courant*, No. ccxxiv., June 20, 1722. Publish'd by Authority. Printed by M. Baldwin, 1722. Price One Bit, or 7s. 6d. per quarter. *Endorsed*, Recd. 1st Oct., 1722. 4 pp. [C.O. 137, 14. ff. 153, 154-156v., 158, 159v., 160v.]

July 10. **216.** Capt. Hyde and others, Virginia Merchants, to the Council of Trade and Plantations. In obedience to your Lordships' commands we have considered the extracts of Lt. Gov. Spotswood's letters, *etc.*, (v. C.S.P. 31st May, 1721). It is our humble opinion that a lighthouse (*on Cape Henry*) will be no ways advantagious to the shipping of Great Britain. *Signed*, John Hyde and 20 others. *Endorsed*, Recd. 12th. Read 18th July, 1722. *Addressed*. 1 p. [C.O. 5, 1319. No. 16.]

July 10. **217.** Mr. Burchett to Mr. Popple. In reply to 7th July, Admiralty asks for copy of the Board's letter to the Governor and Company of Rhode Island, upon their Act appointing an Admiralty Office. Court, and of the Attorney General's opinion thereon. (v. C.S.P. 1703, Nos. 1415, 1415 i.) *Signed*, J. Burchett. *Endorsed*, Recd. 11th, Read 18th July, 1722. *Addressed*. 1½ pp. [C.O. 5, 1266. ff. 56, 57v.]

July 10. **218.** Major J. Hanbury to Col. Selwyn. Enquires about Sidney. obtaining "the King's warrant which is usual" *etc.* *Signed*, J. Hanbury. *Postmark*. *Addressed*. 1¼ pp. [C.O. 5, 4. No. 23.]

July 10. **219.** Lord Carteret to Governor Sir N. Lawes. Mr. Whitehall. Chammorel the French Secretary here having represented that three other ships and a sloop (*Mariane*, *Le Gardeno*, *Adventure* and *de Jonché*) are in the same case with *Aimable Marie*, you are to follow in regard to them the directions you had, concerning that ship, (25th July, 1718) *etc.* You will transmit to me an account of your proceedings in this affair. *Signed*, Carteret. [C.O. 324, 34. p. 148.]

July 11. **220.** Governor Hart to the Council of Trade and Plantations. Antigua. *Refers to* letter of 21st June. *Continues*:—I shall now lay before your Lordships a short state of the four principal Islands;

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for I am not yet able to send so exact a one as my duty requires, from the delays that are given me by the Officers not making those due returns demanded of them, of the numbers of the inhabitants etc.; which I hope soon to procure; For as the distance of the said Islands one from another is some impediment; so there is in all these people a certain indolence and indifference to all commands that do's not immediately relate to their own interest; which I doubt not in time to quicken into proper motion. I am lately returned from visiting the Islands of this Government, and find them all in a more flourishing condition than they were from the first settlement; Providence having blessed them with rains, *etc. ut supra* 2nd May.

Antigua, as 'tis much the largest, so it is the most beautiful and best inhabited of these Islands; of a fruitfull soil, but to be wrought with a good deal of labour, contains a great number of safe and commodious harbours, which are well defended by forts and batteries erected on them for their security. The Island is very healthy, and were it not for the excessive heat of the sun, it would be in all things agreeable to life; most of the Gentlemen have had their education in Great Britain, so that they are a sociable and well bred people, extreamly well affected to H.M. and His Government; and as they have made an establishment for me during my residence, and that I have had the good fortune to obtain all those things that relate to the better Government of this Island, and all persons seem to be pleased and contented with their present condition, I hope they will long enjoy this felicity. The Militia of this Island consists of three Regiments of Foot and one Troop of Horse, in number about 1400 men, who are well disciplined, and make a fine appearance, by the care of Colo. Byam, Lt. Governor of the Island, who distinguished himself in all expeditions in the late wars by his gallant behaviour. Besides the 1400 men mentioned, there are between 5 and 600 seafaring men belonging to this Island, which together with five companys of foot of Colo. Lucass's Regiment, will make a very good defense in case of a war. Mountserat is almost one continued mountain *etc.* There's neither bay nor harbour for the security of ships, which are obliged to ride off of the town of Plimouth, which has but one small platform of five guns to defend it; and but very few white inhabitants upon it, and the Militia do's not amount to above 200 men; But have a great number of slaves, by whose labour they make a considerable quantity of sugar. The Island of Nevis lyes 18 leagues to leeward from Antigua, there's one high mountain in the middle, from the foot of which it is inhabited, and gradually descends to the sea; the soil is covered with stones, yet very productive, and yields great quantities of sugar. There's neither bay nor harbour here, but very good anchorage off of Charles Town defended by a battery of 11 guns; the Militia consist of 250 men which are very ill disciplin'd,

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so that in case of a war with the French, this Island is in great danger of being again plundered. The inhabitants are very much disaffected to H.M. Government, and are the most obstinate and particular temper'd people I have ever convers'd with; and for many years past have treated all the Commanders in Chief in a most disrespectfull manner; And notwithstanding that by a personal solicitation with the Rt. Honble. the Lord Carteret I obtain'd a letter from His Lordship signifying H.M. pleasure to support them against the demands of the French *etc.*, and tho' this was doing them as I thought a very acceptable service, which by their Agents they had long solicited in vain, yet on my communicating to the Assembly the 32nd Article of my Instructions, they not only refused to comply with H.M. pleasure therein in making an addition to my salary, but expressed themselves on that occasion in a very indecent manner, of which I do not make any further or regular complaint to your Lordships, in hopes that I may prevail in time to bring them to a sense of that duty which they owe to H.M. and those he honours with an authority under him. As a farther instance of the temper of these people, there are two persons Joseph Symmonds and Roger Pemberton, who (by my Instructions are named in the Council of that Island) refuse to sit at that Board when duely summoned, the first because he is the elder brother of James, and the last because he was recommended to the Council before the said James Symmonds by the late General Hamilton. These two Gentlemen have been allways leading men in the Assembly, but of a disposition that I cou'd no-ways recommend to your Lordships; and as these Gentlemen decline sitting in the Council, I take the liberty to name two that are fit to supply their places, William Pym Burt Esqr. and Major Richard Abbot, who are both of them Gentlemen of good fortunes, and both well affected to H.M. Government. Having adviee from London of the death of Colo. Smith late Lt. Governor of Nevis, I have by virtue of H.M. 14 Instruction appointed William Mathew Esqr. Lt. Governour of St. Christophers to be also Lt. Governour of Nevis till H.M. pleasure shall be farther known; That Island being only two leagues distant from St. Christophers, so that he can at all times remove from the one to the other. I found a necessity of making this appointment, for that the turbulent spirit of that people has very much increased from the President Mr. Abbots incapacity of governing them; who tho' a very honest gentleman in his own character wants that judgment and resolution requisite in a Governour, for which they have allways trampled on his authority for these five years that he has commanded in the absence of the Lt. Governour; which defects will be fully supplied in the capacity of the Lt. General; And therefore hope you'll be so good as to recommend him for continuing in that station for the good services he has already done in this Government; and on

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the consideration that £200 per annum is not sufficient to support the character of a Lt. General, which he has done with honour tho' to the injury of his private fortune. The Island of St. Christophers is in a flourishing condition, and makes as much sugar as it is possible for the land to produce, there being no part of it left uncultivated; And it is computed this year it will make 15000 hhds. of sugar. But the inhabitants do not improve in their building especially on the late French lands, untill the present possessors shall have a more certain property in them. The Militia consists of one Regiment of Foot, one troop of Horse and one troop of Dragoons, the whole making 1100 men well disciplin'd and under a very good regulation; The inhabitants being a very brave people (as they approved themselves in the late wars *etc.*) and are very good seamen, and chearfull and ready to go upon any expedition. All the coast of this Island is open to be invaded by a foreign enemy; But as there are many forts and those provided well with cannon, by the care of Lt. General Mathew, I doubt not in case of a war to give a very good account of this Island. Mr. George Liddell one of H.M. Council is lately dead. *Recommends* Major Richard Holmes to succeed him. I intend to visit the Virgin Islands of this Government as soon as the tempestuous season (August and September) is over; in the mean time I shall prepare a more distinct account of these Islands in order to lay before your Lordships *etc.* *Signed*, Jo. Hart. *Endorsed*, Reed. 18th, Read 19th Sept., 1722. 6½ pp. [C.O. 152, 14. ff. 158-161v.]

July 13. **221.** Col. Moody to Mr. Popple. Begs that the Board will speedily report upon his petition (*v.* Jan., 1720 and 14th Jan., 1722). *Signed*, J. Moody. *Endorsed*, Reed. 17th July, Read 10th August, 1722. 1 p. [C.O. 194, 7. ff. 66, 67v.]

July 14. **222.** Lord Carteret to Governor Sir N. Lawes. The Lord Whitehall. Archibald Hamilton having relinquished all his title to that part of the lading of the Spanish ship *Nostra Senora de Belen*, taken by Francis Fernando, which was deposited in the hands of Mr. Rigby Provost Marshall and Marshall of the Admiralty of Jamaica, as his Lop's. part of the bullion taken in the sd. ship, *etc.*; I have signified to Mr. Rigby that he should accordingly deliver up for the use of the Spanish owners the silver so deposited *etc.* Lord Archibald is now thoroughly convinced that, as he suspected, it was not a good and lawful prize. *Describes* his honourable and impartial proceeding in the case, "that it may be a means of convincing those, who lay claim to the other parts of the sd. ship's cargo, that they will not find themselves able to justify the seizure according to law, and that it would therefore be adviseable for them to make an agreemt. with the Spanish owners," *etc.* I am to recommend it to you, to use your influence and endeavour to induce them thereto.

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You are to give your assistance to the bearer, Don Manuel A'Aramburu, late Capt. and part owner of the sd. ship *etc.*
Signed, Carteret. Annexed,

222. i. Lord A. Hamilton's Instrument of agreement renouncing his claim to the ship and cargo of *Nostra Senora de Belen etc.* *Signed, A. Hamilton. 6th June, 1722. Copy. [C.O. 324, 34. pp. 149-155.]*

July 14. **223.** *Same* to James Rigby. You are to deliver the silver
 Whitehall. *referred to in preceding* to the Agent of the Spanish owners *etc.*
Signed, Carteret. Copy. [C.O. 324, 34. p. 156.]

July 15. **224.** Mr. Popple to Governor Burnet. My Lords Commrs.
 Whitehall. have recommended James Alexander and James Smith *etc.*
 as you desire (*v.* 25th May, 5th July). But as to Mr. Anderson
 whom you have suspended, their Lordps. have agreed to con-
 sider further your reasons before they report to H.M. there-
 upon. [*C.O. 5, 996. pp. 116, 117.*]

July 17. **225.** Lord Carteret to the Governor of the Leeward Islands.
 Whitehall. Dame Frances Stapleton is to remain in the quiet enjoyment
 of the lands (enumerated) granted to her late husband, Walter
 Hamilton, late Governor, in that part of St. Christophers
 formerly belonging to the French, until H.M. shall think fit
 how to dispose thereof *etc.* *Signed, Carteret. Copy. [C.O. 324,
 34. pp. 158-160.]*

July 17. **226.** *Same* to Governor the Duke of Portland. The King
 Whitehall. having taken into his consideration, that the Laws of Jamaica
 will expire in the year 1724, is willing to continue them for a
 further term upon such conditions, as shall be thought most
 proper and advisable for the service of his Governmt. in that
 Island; and H.M. thinks it proper, that your Grace should be
 instructed upon that head. But in regard that the Revenue
 Act has usually been renewed with the other Laws, and that,
 in case the said Laws shall be made perpetual, or for a term of
 years only, the Revenue Act should be settled in like manner,
 H.M. judges it necessary, that the state of the Revenue of that
 Island should be duly considered, before He comes to any
 particular determination upon the whole; and therefore I have
 by H.M. command, referr'd that part to the consideration of
 the Lords Commisrs. of the Treasury, who will report their
 opinion upon it as soon as conveniently may be. In the mean
 time I am commanded to signify H.M. pleasure to your Grace,
 that upon the first proper opportunity after your arrival in
 Jamaica, you should communicate to the Council and Assembly
 there, H.M. gracious intention, by acquainting them that H.M.
 is willing to renew the said laws, provided the Council and
 Assembly are ready on their part to make a due provision for

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the expences of H.M. Government there. This being a point wherein H.M. would receive satisfaction in the first place, your Grace will please to inform H.M. how you find the Council and Assembly disposed towards this proposal; and upon your transmitting hither such information, H.M. will instruct your Grace more particularly how you are to proceed in this affair, in order to bring it to an issue. *Signed, Carteret. Copy.* [C.O. 324, 34. p. 161.]

July 17.
Whitehall.

227. *Same to Same. Encloses following etc. Concludes:* H.M. would have your Grace recommend petitioner's case to the Assembly, that he may enjoy the rights and profits properly belonging to his offices. *Signed, Carteret. Annexed,*

227. i. Petition of Francis Colman to the King. Petitioner was granted in 1716 letters patent under the Great Seal for the offices of Clerk of the Crown and Clerk of the Peace in Jamaica, to hold by himself or deputies. The Assembly have refused to do his Deputy justice in several branches of his sd. offices, and have taken upon them to appoint the Deputy Clerks of the Peace. The appointing them is the most considerable part of the profits arising from sd. offices, and is petitioner's legal right. *Prays* that the Governor may be directed to recommend his case to the Assembly *etc. Copy.* [C.O. 324, 34. pp. 162-164.]

July 18.

228. H. Walpole to Lord Carteret. *Encloses following. Copy. 1 p. Enclosed,*

228. i. Instructions proposed by the Lords Commissioners of the Treasury for Governor the Duke of Portland concerning the renewal of the Revenue bill of Jamaica. *Endorsed, Reed. 2nd April, 1724. Copy. 2¼ pp.* [C.O. 137, 14. ff. 277-278v.]

July 18.
Whitehall.

229. A. Popple to Mr. West. *Encloses* for his opinion thereupon Acts passed at St. Christophers, 1722, (i) *to repeal an Act for raising an impost upon liquors imported and imposing duties upon liquors hereafter imported etc.*, (ii) *An Act for laying of certain duties upon sugars, molosses and other goods of the growth and manufacture of St. Christophers exported.* (iii) *for settling £2000 pr. annum of current money during the term therein mentioned upon H.E. John Hart etc.* I am also to desire you would hasten your report upon the several other Leewd. Island Acts now under your consideration. [C.O. 153, 14. pp. 93, 94.]

July 18.
Whitehall.

230. *Same* to Capt. Hyde. Requests reasons in writing against building the lighthouse at Cape Henry. v. 26th June, 10th July *etc.* [C.O. 5, 1365. pp. 240, 241.]

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July 19. **231.** Order of King in Council. Appointing James
Kensington. Alexander and James Smith to the Council of New Jersey.
Set out, N. J. Archives, 1st Ser. V. 52. *Signed*, Robert Hales.
Endorsed, Reed. 9th, Read 13th Nov., 1722. 2 pp.
[C.O. 5, 972. ff. 62, 62v., 67v.]

July 19. **232.** Order of King in Council. Approving, upon the
Kensington. Memorial of the Duke of Montagu, his nomination of Nathaniel
Uring to be Deputy Governor of St. Lucia and St. Vincent,
provided he qualify himself as the law directs. The Board
of Trade is to take care that good security is given for his
observing the Acts of Trade and Navigation. *Signed*, Robert
Hales. *Endorsed*, Reed. 24th, Read 25th July, 1722. 1½ pp.
[C.O. 5, 1266. ff. 58, 59v.]

July 19. **233.** H.M. Additional Instruction to Governor the Duke
Kensington. of Portland. Upon obtaining the consent of the Assembly
for perpetuating if possible, or otherwise for continuing the
Revenues there for the term of 21 years; you are to take care,
that the Acts to be passed for that purpose do comprehend and
provide as follows: That all Our Revenues be therein partic-
ularly enumerated, and the methods by which they are to be
collected and paid or recovered in case of non-payment (which
you are to be well advised in) be expressly enacted. That the
security to be given from time to time by the Receiver or
Receivers of the said Revenues be ascertained, and that by the
same security, the said Receiver or Receivers be obliged to
account at such time once in every year, as shall be thought fit
as well for their receipts as payments by authentick vouchers
before the Auditor of H.M. Plantations for the time being or
his Deputy. That an establishment be formed to contain all
the settled annual expences of Our Government there, and that
there be therein inserted such a competent annual sum for
defraying the contingent charges of the Government, as you shall
be advised to be fitting and reasonable for that service; and
that the establishment so formed be made part of the said Act,
and the said Revenues be appropriated to pay and defray the
same by and under the authority and direction of Our Governor,
Deputy Governor and Council there to be signified to the
Receiver General of the said Revenues for the time being, by
warrants under their or any — or more of their hands, whereof
Our said Governor or Deputy Governor to be always one. But
you are to take especial care, that a draught of such Revenue
Act, as also of the Establishment that shall be formed to be
comprehended therein be transmitted over in convenient time
for the approbation of the Commissioners of Our Treasury here,
before the same be passed into a Law. *Signed*, G. R. *Copy*.
[C.O. 324, 24. pp. 165–167.]

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[July 20.]

234. (i.) Governor Philipps' Instructions to Major Lawrence Armstrong, Aug. 29, and 20th Nov., 1720 (*v.* 21st May). *Endorsed*, Reed. (from Col. Armstrong) Read 20th July, 1722. *Copy.* 5 pp.

(ii.) Deposition by John Harrison and Martin Groundman, that the sloop *William* was captured by a Spanish privateer with Lt. Col. Armstrong's goods for the Company *etc.* 19th July, 1722. *Signed*, John Harrison, Martin Groundman. 1 p.

(iii.) Deposition of John Manley. Corroborates preceding. 20th July, 1722. *Signed*, John Manley. 1 p.

(iv.) Deposition of John Caswall, as to shipping goods for Col. Armstrong from London to Boston. 20th July, 1722. *Signed*, Jno. Caswall. 1 p.

(v.) Lt. Col. Armstrong's account with Francis Sawle for clothing shipped to New England. 20th July, 1722. *Signed*, Fra. Sawle. 2 pp. Nos. ii.-v. *endorsed*, Reed. Read 20th July, 1722.

(vi.) Accounts of Lt. Col. Armstrong's losses and expenditure in connection with his journeys to and command at Canso. *Signed*, Ed. How. *Endorsed as preceding.* 6 pp.

(vii.) Certificates as to the good character of Edward How. July 27 and 28 (*sic*) 1722. *Signed*, John Armstrong and Thomas Armstrong. *Endorsed as preceding.* 3 pp.

(viii.) (a) Memorial of Commanders of vessels, inhabitants and others interested in the fishery at Canso to Governor Phillips. Canso. Sept. 29th, 1720. Beg for assistance, having been plundered by the French and Indians. Are building lodgment for troops. Unless these are sent, will be forced to leave *etc.* 33 signatures.

(b) Warrant by Lt. Col. Armstrong, 1st Oct., 1720, appointing a Committee to supervise the building of a lodgment for troops, as desired by the masters and owners of vessels and inhabitants *etc.* at Canso. *Signed*, L. Armstrong.

(c) Major Armstrong to M. St. Ovide de Brouillan. Demands that Capt. Philibert d'Arguibell and Capt. Massy may appear before the British Minister at Paris to answer for the robberies committed by them and the Indians at Canso. Lewisbourg, 27th Sept., 1720. *Signed*, L. Armstrong.

(d) Reply to preceding. We promise that the two Captains mentioned shall go to France to give account of their actions, where justice shall be administered to them as shall be thought proper by the two Crowns. *Signed*, St. Ovide de Brouillan, Demezey.

(e) Receipt for 21 prisoners, 8 shallops and one shollaway with their equipage. Received from Major Armstrong. *Signed*, De Pensens. Petit de Gradt. Sept., 23rd, 1720.

(f) (g) Accounts of fish and effects taken from and returned to the English by the French. Petit de Gradt. 6th Oct., 1720. *Signed*, L. Armstrong, De Pensens,

1722.

(h) Address of the Justices of Peace, Captains and Owners of vessels and inhabitants of Canso to Major Armstrong. Return thanks for his care and diligence in endeavouring to secure justice for them in relation to the French and Indian robbers, and declare that he has acted with integrity and prudence. 28 signatures. *The whole endorsed*, Recd., Read 20th July, 1722. 6 pp.

ix. Observations upon the proofs required and furnished upon Col. Armstrong's losses etc. *Same endorsement*. 7 pp.

(x.) Account of subscriptions for and expenditure upon the building of Fort Philip at Cancau, £267 9s. 1d.; £260 1s. *Audited by* Committee appointed by Governor Philipps. Canso, Sept. 5th, 1721. *Signed*, John Henshaw, Joshua Norman, John Culley. *Same endorsement*. 2½ pp.

(xi, xii.) Invoices and bills of lading relating to clothing stuffs shipped on Lt. Col. Armstrong's account from London to Boston. *Same endorsement*. 6 pp.

(xiii.) List of above papers. [C.O. 217, 4. ff. 69–111v.]

July 21. **235.** A. Popple to Mr. Burchett. In reply to 10th July, Whitehall. encloses papers relating to Admiralty jurisdiction at Rhode Island. [C.O. 5, 1293. p. 255.]

July 23. **236.** T. Beake to Mr. Popple. The Duke of Montagu is willing to become joint security with Mr. Uring etc. v. 19th July. *Signed*, Thos. Beake. *Endorsed*, Recd. 24th, Read 25th July, 1722. 1 p. [C.O. 5, 1266. ff. 60, 61v.]

July 25. **237.** A. Popple to Mr. Beake. Reply to 23rd July. Two Whitehall. merchants no ways interested in Sta. Lucia and St. Vincents would be more proper securities etc. [C.O. 5, 1293. p. 256.]

July 26. **238.** H.M. Warrant granting leave of absence for a further Kensington. two years to John Cornelius, Naval Officer at Barbados. *Counter-signed*, Townshend. *Copy*. [C.O. 324, 34. pp. 168, 169.]

July 27. **239.** Mr. West to the Council of Trade and Plantations. Has no objections to the 3 Acts of St. Christophers mentioned by Governor Hart May 2 q.v. *Signed*, Richd. West. *Endorsed*, Recd. 27th July, Read 12th Sept., 1722. 1 p. [C.O. 152, 14. ff. 148, 149v.]

July 27. **240.** *Same to Same*. Has no objections to 3 Acts of Mountserratt. *Signed*, Richd. West. *Endorsed*, Recd. 27th July, Read 22nd Nov., 1722. ¾ p. [C.O. 152, 14. ff. 170, 171v.]

July 27. **241.** *Same to Same*. Has no objections to 7 Acts of St. Christophers. *Signed*, Richd. West. *Endorsed*, Recd. 27th July, 1722, Read 18th Jan., 1723. 1½ pp. [C.O. 152, 14. ff. 172, 172v., 173v.]

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July 27.
Boston, New
England.

242. Governor Shute to the Council of Trade and Plantations. Since I had the honour to write to your Lordships, which was in March last, I received a letter from Monsr. Vaudreuil, in answer to two letters I sent him, in which he openly declares, that he has and will assist the Indians, and that he has orders from the Court of France so to do. All the Indians that border upon the sea coast, by the instigations of the French have lately robbed and plundered our sloops and fallen upon our fishing vessells, and killed two of H.M. subjects; at the same time our Eastern Indians notwithstanding their repeated submissions to H.M. Crown and Government have fallen upon our Eastern Settlements and killed and wounded some of the inhabitants, burnt their houses and destroyed their cattle, which has obliged me with the advice of H.M. Council to issue forth the inclosed Declaration. I hope your Lordships will speedily lay this affair before H.M. in order to obtain some redress for this Province will not long be able to support the war which is now begun. *Signed*, Saml. Shute. *Endorsed* Recd. 10th, Read 12th Sept., 1722. 2 pp. *Enclosed*,

242. i. Governor Shute's Declaration [*of War*] against the Eastern Indians as traitors and enemies to H.M. King George, and forbidding friend Indians to move out of their respective plantations *etc.* Boston, 25th July, 1722. *Signed*, S. Shute. By and with the advice of the Council. *Same endorsement.* *Printed.* 1 p. [C.O. 5, 868. ff. 309, 309v., 310v.-311v.]

July 30. **243.** Mr. Beake to Mr. Popple. In reply to 26th July, the Duke of Montague offers Mr. John Loyd and Jos. Adams of London merchants as security for Mr. Uring *etc.* *Signed*, Tho. Beake. *Endorsed*, Recd. 31st July, Read 7th Aug., 1722. *Addressed.* $\frac{3}{4}$ p. [C.O. 5, 1266. ff. 62, 63v.]

[July 30.] **244.** Capt. Hyde and other Virginia merchants to the Council of Trade and Plantations. *Reply to* 18th July, *q.v.* The use of the lead is the best guide. During the winter the N.W. winds (not the want of a lighthouse) sometimes blow the ships off the coast. Ships that come within 8 or 10 leagues of the land in the night-time often discover great lights on the shoar, which cannot be distinguished whether it may be one of those great fires or the lighthouse *etc.* *Signed*, John Hyde and 12 others. *Endorsed*, Recd. 30th July, Read 7th Aug., 1722. $1\frac{3}{4}$ pp. [C.O. 5, 1319. No. 17.]

Aug. 3. **245.** Circular letter from Lord Carteret "to all or any of
Whitehall. H.M. Governors in the West Indies." Mr. Woodes Rogers H.M. late Governor of the Bahama Islands having occasion to repair to several of H.M. Plantations in America, in order to settle his private affairs; I recommend him to you as a person

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who hath been serviceable to the publick, and desire you will protect and assist him with all favourable and friendly offices during his stay in your Government. *Signed*, Carteret. *Copy*. [C.O. 324, 34. p. 170.]

Aug. 4.
Whitehall.

246. Council of Trade and Plantations to the Lords Commissioners of the Treasury. H.M. having been pleased to order that rooms should be built over our Office, and my Lord Chamberlain's warrant for that purpose being now before your Lordships, we take leave to remind your Lordships thereof, being so straitned for room, that we have not conveniences for our books and papers nor for the necessary dispatch of business depending before us, nor in the condition the roof is now in, shall we be able to meet in wett weather, *etc.* *Pray that* directions may be given upon the warrant. [C.O. 389, 37. p. 209.]

Aug. 7.
Kensington.

247. Order of King in Council. The Lords of the Committee representing the two draughts of Instructions prepared for Governor Worsley as proper for H.M. approbation, excepting in the 22nd and 28th Articles of the first draught relating to the Government of the said Island, which their Lordships proposed to be amended, and made conformable to the 20th and 26th Articles of the Instructions given to Lord Belhaven, vizt. In the 22nd Article line the 7th from the top, after the words [of money] leave out to the end of the Article, and instead thereof, insert [or for payment of money, either to you the Govr. or to any Lieut. Govr. or Commander in Chief, or to any of the Members of Our Council or of the Assembly, of the said Island, or to any other person whatsoever, without a clause be inserted in such Act, declaring, that the same shall not take effect, untill the said Act shall have been approved and confirmed by us our heirs or successors, excepting Acts for raising and settling a publick Revenue for defraying the necessary charge of the Government of the said Island]. In the 28th Article at the latter end leave out the proviso [Provided such clause or clauses be in such Act, as are contained in the 22nd Article and]. H.M. Council approving the same, is pleased to order, that the Instructions, with said alterations be prepared for H.M. signature *etc.* *Signed*, Robert Hales. *Endorsed*, Recd. 9th, Read 13th Nov., 1722. 2½ pp. [C.O. 28, 17. ff. 284-285v.; and (duplicate signed, Temple Stanyan) 5, 191. f. 373a.]

Aug. 8.
Whitehall.

248. A. Popple to Sir R. Raymond. Repeats request for reply to May 25th. [C.O. 5, 915. p. 347.]

Aug. 8.
Whitehall.

249. *Same* to Mr. Lowndes. Encloses following. *Annexed*, 249. i. Draft of bond for securities for Mr. Uring. (v. 19th July *etc.*) [C.O. 5, 1293. pp. 257-267.]

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Aug. 8. **250.** Council of Trade and Plantations to the King. Re-
Whitehall. commend Abraham Van Horn and Wm. Provoost for the
Council of New York, as proposed by Governor Burnet. [C.O.
5, 1124. p. 293 ; and (*rough draft*) 5, 1079. No. 130.]

Aug. 10. **251.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Having been inform'd by letters from Governor Shute, and from
Mr. Cumings Surveyor of the Customs at Boston, that the Indians
at Kennebeck River have made great disturbances there by
burning of houses, killing the cattle, and carrying away several
inhabitants prisoners, which we believe they have done at the
instigation of the French ; we take leave to inclose extracts of
the said letters for your Lordships information : And at the
same time to remind your Lordship of the two French letters,
from the Governors and Intendant at Canada, relating to the
same subject, v. 25th May, 1721. [C.O. 5, 915. p. 348.]

Aug. 10. **252.** Mr. Attorney General to the Council of Trade and
Plantations. *Reply to 25th May. Quotes clauses in the Charter
of the Massachusetts Bay. Continues :* By clause (a) King Wm.
and Queen Mary reserved to themselves their Heirs and Suc-
cessors the appointment of the Governour, Deputy Governour
and Secretary only. By clause (b) it is provided that the
Governour with the advice and consent of the Council or
Assistants should nominate and appoint Judges, Commissioners
of Oyer and Terminer, Sheriffs, Provost Marshalls, Justices
of the Peace, and other officers to the Councill and Courts of Justice
belonging. By clause (c) it is provided, that the General Court
or Assembly should have power to name and settle annually all
civil officers within the said Province, such officers excepted
the election and constitution of whom their sd. late Majesty's
had thereby reserved to themselves their heirs *etc.*, or to the
Governour for the time being. By the last clause I conceive
that the Officers, whose nomination is reserved to the General
Court or Assembly, are to be annually chosen, which *prima
facie* imports a continuance in the office for one year, and then
the election of another person, tho' the same person may be
continued another year if the Generall Court or Assembly think
fit ; but it does not seem to agree with the nature of the office
of Attorney General who has no fix't interest in his office but
is removeable at pleasure, and therefore the nominacon of such
officer don't seem to me to be within the intent of that clause
to be left to the General Assembly. But if he was, I apprehend
in the paper marked No. ii., the Govr. would have a negative
voyce upon his election ; But besides, that clause excepts
officers, the election and constitution of whom their said late
Majesty's had reserved to themselves their heirs and successors
or to the Governour for the time being. I take it that the right
of nominacon of an Attorney General, tho' a new officer and but

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lately directed by H.M. to be appointed, will fall under clause (b), the Attorney General being an officer of the same nature with those officers therein mentioned, for he is concerned in the administration of Justice as well as Judges, Commissioners of Oyer and Terminer, and Justices of the Peace *etc.* and may be properly said to be an officer belonging to the Council, where he is to attend and give his opinion in matters of Law if required, and also belonging to Courts of Justice as being the General Prosecutor of all offences agt. the Government. and of all suites wherein the Crown is concerned. And therefore I am of opinion, that the nomination of an Attorney General will be in the Governor with the advise and consent of the Council of Assistants according to the provision in clause (b). And tho' H.M. by his 40th Article in his Instructions, paper (No. iii.) directed Mr. Shute to nominate a fit person to be Attorney General, yet I apprehend that must be govern'd by clause (b) in the Charter (which H.M. can't alter by his Instructions) so that there must be the advise and consent of the Council or Assistants to such nomination. But the Governor has a negative upon the Council or Assistants in such nomination. *Signed, Rob. Raymond. Endorsed, Recd. 14th, Read 15th Aug. 1722. 2½ pp. Enclosed,*

252. i., ii. Copies of clauses in the Charter of the Massachusetts Bay *referred to in preceding.*

252. iii. Copy of 40th Article in Governor Shute's Instructions, *referred to above.* [C.O. 5, 868. ff. 298-299, 300-302, 305v.]

Aug. 10. **253.** Council of Trade and Plantations to the Lords Com-
Whitehall. missioners of the Treasury. *Reply to 21st May.* We have examined Col. Armstrong's account and several witnesses *etc.* We do believe he may have lost or expended in H.M. service sev'l. sums amounting to the value of his account or thereabouts. His services have been very beneficial to H.M. subjects, *etc.* in recovering part of the effects taken from them by the French, and in settling a fishery at Canço which is likely to prove the most valuable of any in H.M. American Dominions. We are of opinion that he may deserve a compensation for his losses and such a reward for his services as your Lordships shall think fit. *Autograph signatures. 1½ pp.* [C.O. 217, 4. ff. 137-138v.; and 218, 2. pp. 19, 20.]

Aug. 10. **254.** Messrs. Taylor, Richards, Henshaw and Norman to
Canso. Lt. Col. Armstrong. *Desire* his return both on public and private accounts, his affability and zeal for the interest of the settlement having endeared him to all. The place has dwindled and diminished in every respect since he left *Continue:* We were daily in expectation of having sufficient troops sent us for the defence of the place, a man of war

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stationed and ordnance sent, to protect us from the insults of pyrates especially in winter, when all the ships will be gone, with the guns they lend us during their stay *etc.* But even what men we had here in garrison are lessened, and by the fall shall not have one gun in the fort left, if without a solecism we may give it that name. Judge then yourself Sir, whether we have not a mighty support from the Government, and whether those private men who so generously risked their own fortunes disbursed their own money to serve it and acted with so much vigour, zeal and industry without any hints, without any direction or countenance from the Publick but merely directed by their own prudence, and influenced by the hopes of setting on foot an undertaking that promised so fair of tending vastly to the Nation's good, have not met with suitable assistance and encouragement in it *etc.* The consequences are, the number of vessels and persons coming here is daily decreasing, a great many who have been here this season declare publickly their not intending to return, till they see far better protection for their persons and effects, and no small number of those who have been some time settled here, having waited so long in hopes of the Government's protection to no purpose are now preparing speedily to leave it, resolved to run the risque no longer of having their effects plundered, and their throats cut, by pyrates and Indians, without any help; there were above 30,000 quintals of fish killed last season, with a probability of doubling that number in this *etc.*, whereas there have not been 22,000 made this year, and it is very probable there will be a great deal less the next. In all probability the place will be entirely abandond by another season unless the Government support and encourage them in good earnest and that very soon *etc.* *Emphasise* importance of a fishery and the promise of this one. *Enclose* following to be laid before the Council of Trade as their "*dernière resort*" *etc.* Signed, William Taylor, Thomas Richards, John Henshaw, Joshua Norman. Endorsed, Reed. Read 6th Nov., 1722. 2 large pp. Enclosed,

254. i. Planters, Fishermen and masters of ships, concerned in the trade and settling of Canso, to the Council of Trade and Plantations. After 6 years almost continual toil, they have tho' with a few hands, and even those surrounded and perpetually exposed to the savage Indians, at length cleared a parcel of land, sufficient to land and cure 40,000 quintals of fish, to their own great charge, but to the no inconsiderable improvement of H.M. Revenue *etc.* At their first settling at this place there was neither any knowledge of it (or at least by a very few) or of the vast benefit that might thence accrue to the Crown, not only by the Fishery *etc.*, but also by the great strengthening

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and safeguard it would be to all New England, the rest of New Scotland, Annapolis and Newfoundland by cutting off the communications of the Indians, *etc.* *Repeat* French attempts to dislodge them and their resistance. *Continue*: The place seemd continually improving by the increase of vessels that came here, and the number of persons who began to inhabit here encouraged by their constant expectation of being powerfully supported from home (through the influence of your Lordships, whose wisdom and application in countenancing and promoting whatever undertakings of this nature tended to the publick advantage and benefit of the Crown has ever been so very conspicuous), which has allso carried the traders and inhabitants to manifest their zeal in assisting the publick on all occasions, with their men, necessarys and own persons *etc.*, every vessel having lent the best part of their guns for the defence of the place, during their stay, and left all they could possibly spare behind *etc.* Having lately received an account from the ransommers that the Indians had taken 18 sloops on our coast, assisted no doubt by the French, being all laden with fish, some for this place, and others for New England, we represented to H.E., that if immediate and effectual measures were not taken for our security, all our past labours undergone, as well as our pleasing prospect for the future, would infallibly be ruin'd, receiving every day from all parts, repeated advices and alarms that the Indians were preparing to fall upon us, being furnished with ammunition and other necessarys by the French, who are privy to all their designs, and concert the measures with them of what they are afterwards to perpetrate against us. H.E. advised that they should immediately fit out two sloops to go in quest of those Indians who had done the mischief *etc.*, but having no orders he could not be at any expense about it. Notwithstanding with their usual alacrity, proceeded with all exped[ition] to fit out two sloops, with 30 men in each, and provisions and ammunition, that sailed immediately. *Repeat part of preceding.* Everything done for the defence hitherto has been entirely managed at the particuler expense of those persons who have hereunto subscribed. *Represent* the value of the Canso fishery which lasts 7 months, beginning in March, whilst that of Newfoundland only lasts from June to the middle of August, and its importance to H.M. Revenue. No cargo of fish exported from hence does not pay more dutys on the returns of it, than its prime cost *etc.*

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Make their last appeal for support. P.S. One of the sloops above-mentioned is just returned, with seven prizes of those vessels that had been taken by the Indians, who at the instigation of the French, barbarously put eleven English men to the sword, in cold blood, after giving them quarter, and how many more yet may be in their hands expecting the same treatment, we are still ignorant, the said sloop commanded by Capt. John Elliot has likewise killed a good number of Indians, and retaken several Englishmen *etc.*, being but the fifth day since she sailed out from hence. *Signed*, Thomas Richards, Joshua Norman, John Henshaw, John Calley, Geo. Mobs for Capt. Dn. Martin, Geo. Mobs, Geo. Mobs for Capt. Jas. Calley, Frans. Calley, James Finders, Wm. Gold, Hugh Reed, John Watkins, Wm. Spiring, Phillip Fingcombe (*or* Tingcombe), Roger Wadham, Thos. Arnold, Jno. Hardeson, Thos. Walden, John Griffen, Jos. Richards, Giles Hall, John Ellit. Canso. Aug. 1, 1722. *Mem.* This Representation transmitted to Thomas Missing, Esq. (*M.P. for South Town, Portsmouth*) and recieved 8th Nov., 1722. 4 large pp. [C.O. 217, 4. ff. 142-147v.]

Aug. 11.
Admiralty
Office.

255. Mr. Burchett to Mr. Popple. *Encloses following.* *Signed*, J. Burchett. *Endorsed*, Reed. 13th, Read 15th Aug., 1722. 1 p. *Enclosed*,

255. i. Extract of letter from Capt. Brand, H.M.S. *Hector*, to Mr. Burchett, 1st July, Antegoa. I should be glad to have their Lordships' Instructions in what manner to behave in relation to the Trade that is carried on by ships directly from Ireland to the French Plantations, and more particularly from New England, and most parts of the Continent; I am very well convinced there is some very fraudulent practice in this trade, or else the people of New England would not be at the expence of bringing of coopers to set up their cask in those Islands, and as they purchase sugar, rum and molasses, to start it out of the French cask into their own. 1 p. [C.O. 323, 8. Nos. 31, 31. i.]

Aug. 11.
Custom ho.,
London.

256. Mr. Carkesse to Mr. Popple. H.M. Commissioners of Customs desire to be inform'd if any complaint has been made to the Board of Trade by Governor Sir N. Lawes against Mr. Beckford, Surveyor and Comptroller of the Customs in Jamaica, as Mr. Beckford has represented *etc.* *Encloses following and enquires if* their Lordships have any account of this matter *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Reed. 13th, Read 15th Aug., 1722. 1½ pp. *Enclosed*,

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256. i. Extract of letter from Mr. Beckford to H.M. Commissioners of Customs. 9th May, 1722. When the Governor permitted a vessell to carry out cocoa from hence to La Vere Cruz without paying any duty or giving in bond and ordered his souldiers to turn the Officers from the vessell in case they opposed their going out, *etc.* I laid before him the clause in the Acts of Car. II. and 7th and 8th K.W., which he acknowledged was plain enough however that the intent he beleived was otherwise, and that the cocoa should go out. $1\frac{1}{4}$ pp. [C.O. 137, 14. ff. 143-144v., 145v.]

Aug. 13. **257.** Order of King in Council. Copies of the petitions *etc.* which were referred to Governor Lord Belhaven, 28th May and 24th Aug., 1721, for examination, are to be delivered to the present Governors of Barbados, Henry Worsley, as also copies of papers lately presented to H.M. vizt., Representation and petition of Assembly, 22nd Aug., 1721, Representation of several Councillors, 2nd Nov., 1721, and a letter from the Board of Trade, 17th Jan., 1721, with a petition from 7 Councillors and letters from Mr. Carter and Mr. Cox *etc.* Governor Worsley is to give such orders therein, as he shall judge proper for the present peace and good Government of the Island; And of all his proceedings herein, he is to return an account to this Board together with what he shall conceive further necessary to be done for H.M. service, and the good of the said Island. *Signed*, Robert Hales. *Endorsed*, Recd. 9th, Read 13th Nov., 1722. $2\frac{1}{2}$ pp. [C.O. 28, 17. ff. 282-283v.]

Aug. 13. **258.** A. Popple to Mr. Cumings. *Reply to 20th June q.v.* Whitehall. The Council of Trade and Plantations desire you would let them have by the first opportunity the scheme which you mention, *etc.*, to which their Lordships will give all reasonable encouragement. They have transmitted that part of your letter which relates to the Indians to the Lord Carteret *etc.* [C.O. 5, 915. p. 349.]

Aug. 14. **259.** Lord Carteret to Governor the Duke of Portland. The Whitehall. South Sea Company having appointed Mr. Richard Rigby and Mr. Edward Pratter their Agents in Jamaica, you are to shew them all due countenance and protection *etc.* *Signed*, Carteret. [C.O. 324, 34. p. 170.]

Aug. 15. **260.** A. Popple to Mr. Carkesse. *Reply to Aug. 11th.* Sir Whitehall. N. Lawes has never transmitted over any complaints to the Council of Trade *etc.* against Mr. Beckford, relating to the breach of his duty, as Comptroller of the Customs, but hath frequently taken notice of the influence this office gave Mr. Beckford over several persons in Jamaica, which he always employ'd to distress

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the Government there *etc.* Their Lordships have not received any account of the matter mentioned in the extract of Mr. Beckford's letter (11th Aug.). [*C.O.* 138, 16. *p.* 425.]

Aug. 15. **261.** *Same* to Mr. West. Presses for reply to 28th April
Whitehall. concerning Newfoundland Commadore's Instructions. [*C.O.*
195, 7. *p.* 83.]

Aug. 15. **262.** Council of Trade and Plantations to Lord Carteret.
Whitehall. Your Lordship will perceive by the (*enclosed*) extract of a letter (*from Capt. Brand*), that there is a pernicious trade carried on from Ireland, and likewise from New England, to the French Plantations in America, which must naturally prove highly detrimental to the trade of H.M. Sugar Islands, but as we are apprehensive the laws at present in force for regulating the trade and navigation, are defective in this particular, we thought it necessary to lay the same before your Lordship, that a proper remedy may be thought of to prevent this growing evil, and to desire your Lordship would in the mean time receive H.M. commands for the Lord Lieut. of Ireland, and to the Governor of New England, to prevent the progress thereof as far as in them lies. [*C.O.* 324, 11. *pp.* 1, 2.]

Aug. 16. **263.** *Same* to Governor Shute. Since our letter to you of
Whitehall. 23rd Aug., 1721, we have receiv'd one from you without date, as also one of 23rd Aug., 1721, and another the 13th of March last, and are extremely concern'd to hear by the first letter, that the diset. on paper bills still increases at Boston, but hope the late Act pass'd here in the 8th year of his present Majesty entituled An Act *giving further encouragement for the importation of Naval Stores*, and for other purposes therein mentioned, which you will here receive inclos'd, may be a means to lessen that great discount, as it will probably increase your trade; At the same time, we hope, all possible care will be taken that this act may not administer a future occasion for destroying H.M. woods in New England. We take notice of what you write concerning the choice of a Speaker, and are sorry to hear, that controversy is not yet decided, but hope, the Assembly will for the future be so prudent, as not to render their conduct lyable to be censur'd here. As to the choice of an Attorney General in your Government, we have consulted H.M. Attorney General here, a copy of whose opinion you will herewith receive inclos'd, with copies of the papers upon which that opinion is grounded. We have sent to the Ld. Carteret an extract of that part of your aforementioned letter, which relates to the Indians having broken their Treaty, at the instigation of Father Rallé a Jesuit, to be laid before H.M. for his pleasure therein. We have also [*?sent*] what you write 13th March last *etc.* in relation to the dangerous practices the French

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are carrying on against H.M. interest in America *etc.* (v. 25th May), to the Lord Carteret *etc.* We shall acquaint you with H.M. directions thereupon, so soon as we shall have received the same. *Enclose* copy of petition of Mr. Pearse and others, praying for the confirmation of an Indian grant of land in New England to them; Upon which we desire, that you would give us, as soon as may be, a true state of that matter, that is, whether their land, has been survey'd and registred, and whether you have any objection to H.M. complying with their request. [C.O. 5, 915. pp. 350-352.]

Aug. 17. **264.** Mr. Beake to Mr. Popple. The Duke of Montague proposes Col. John Lynch as security in place of Joseph Adams, who is sick abed *etc.* The ships being ready to sail, His Grace desires dispatch. *Signed*, T. Beake. *Endorsed*, Reed. Read 22nd Aug., 1722. $\frac{1}{2}$ p. [C.O. 5, 1266. ff. 64, 64v.]

Aug. 18. **265.** Governor Nicholson to the Council of Trade and Charles City and Port, South Carolina. Plantations. *Encloses* following proceedings on receipt of H.M. Instructions as to Seals *etc.* 27th Oct., 1721, received on 25th July. *Continues*: The defaced ledden seal shall (God willing) be sent by a Gent. who proposes to sail the later end of this month. The ship in which the seals were sent was foundered at sea but ye comander thereof Capt. John Smiter was so carefull as to save them with himself in his longboat wherein he was miraculously preserved. *Acknowledges* receipt of H.M. Orders, 14th Sept., 1721. *Continues*: The Committee of Correspondence transmits to our Agents the transactions of the Spaniards *referred to etc.* Duplicates shall be sent by Capt. Tempest this month *etc.* Yesterday arived a French sloop with the second Capt. and about 30 men who rose upon the Capt. and Commander as they were going from a French port by the Mississipi River to a place called New Orleans but forced the said officers to bring them hither and they say they are most Swiss. The whole proceedings will be sent to the Agents by the said Mr. Tempest *etc.* There is transmitted to the Agents the Journalls of Assembly *etc.* They are to wait upon your Lordships *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. 26th, Read 30th Nov., 1722. $1\frac{1}{2}$ pp. *Enclosed*,

265. i. Proceedings of the Council and Assembly of South Carolina, 25th July, 1722, upon the arrival of the new Seals. *Same endorsement.* *Copy.* $2\frac{1}{2}$ pp. [C.O. 5, 358. ff. 151, 154v.; and (abstract, with note for reply) 5, 406. p. 4.]

Aug. 20. **266.** A Declaration, by His Grace John Duke of Montagu Captain Generall Lord and Proprietor of the Islands of St. Lucia and St. Vincent in America, for the encouragement of persons to become settlers at Saint Lucia. London. Whereas

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Our Sovereign Lord King George hath been pleased to grant to the said Duke and his heirs the said Islands *etc.*, both which Islands are very rich in soyle and productive of sugar, indigo, cotton, pimento, ginger, cocoa, anotto *etc.* and having not been as yet broke up will yield a very great increase to the settlers *etc.*, and hath strictly commanded all his Governours and other officers *etc.* to be assisting to us in settling the said Islands and also appointed one of his ships of war to be stationed at St. Lucia for the defence and security of the people to be transported thereto. And whereas being fully determined to settle the said Island as soon as may be we have by our Commission appointed a Governour thereof and have caused great numbers of persons to be transported to the said Island of Saint Lucia together with large quantities of stores of all kinds ordnance arms and ammunition for defence and appointed all necessary officers and a form of government and directed a fort and town therein to be built near some convenient harbour for shipping and considering that the strength of new Colonys consists in the numbers of people and the resort of merchants and traders thereto, We have thought fitt to issue this our Declaration for the invitation and encouragement of all persons to resort to and become inhabitants of our said Island; and therefore do hereby promise and engage and give our faith and honour that all and every white person and persons of what country or nation soever in amity with the Crown of Great Britain who shall within twelve months from the date hereof repair to our said Island of Saint Lucia and submit themselves to the Government hereof shall enjoy free liberty of conscience in all matters of religion and be governed by and have the protection of the laws of England in all their civill concerns and shall be reputed within the said Islands of St. Lucia and Saint Vincent and each of them free denizens to all intents and purposes and be capable of taking holding or enjoying any estate or estates whatsoever within our said Islands and each of them by devise descent gift, grant or purchase as naturall born subjects of Great Britain and shall moreover be intituled without fee or reward to a grant of ten acres of land for themselves and ten acres for every white person in their family men, women or children and also five acres for every negro slave or slaves men, women or children by them transported into our said Island of Saint Lucia as aforesaid in such part as they shall chuse (not being before granted and reserved) and not exceeding 150 acres in any one run and 500 acres in the whole at the quitt rent of 2s. 6d. pr. 100 acres and so in proportion payable every year to H.M. his heirs and successors and six pence pr. acre to us our heirs and assigns to be granted to them their heirs and assigns for ever. And moreover all persons being artificers or trading with a stock who shall transport themselves to our said Island of Saint Lucia within the time and space aforesaid shall be

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entitled to and receive a grant of one lott in the chief town of our said Island for their more commodious residence and exercising such their trades and we will at all times be ready to give such other fitting encouragement and protection to the settlers and planters of our said Islands of Saint Lucia and Saint Vincent as shall be most conducive to their welfare and prosperity *etc.* *Signed*, Montagu. 2½ pp. [C.O. 253, 1. No. 24.]

Aug. 22. **267.** Lord Carteret to Governor Burnet. The Dutch
Whitehall. Envoy here hath presented a Memorial, that about Jan. 1718 Capt. Anthony Bevers, in the ship *Young Abraham* of Flushing was taken by Hornigold the Pirate, who carried her to the Island of Providence, where the cargo was delivered to a French ship, after which the French ship was taken by the *Phoenix* man of war commanded by Capt. Pearce, who brought her up to New York, where she was reclaimed, and delivered to the French owners, and the Dutch cargo sold *etc.* You are to cause Justice to be done to the Dutch owners *etc.* *Signed*, Carteret. [C.O. 324, 34. p. 186.]

Aug. 23. **268.** *Same to Same. Encloses following. Concludes:* It
Whitehall. is H.M. pleasure, that you inform yourself concerning the grounds of their complaints, and grant them such protection and encouragement as in justice and compassion they may be entitled to. *Signed*, Carteret. *Annexed*,

268. i. The Condition, grievances and oppressions of the Germans in H.M. Province of New York. In 1709 Queen Anne was graciously pleased to send between 3 and 4,000 Germans to New York, under the inspection and care of Governor Hunter, with particular orders to settle them on lands belonging to the Crown, and such as were most proper for raising Naval Stores. Before they left England they were promised £5 in money pr. head, of which they have receiv'd nothing at all. It was likewise promis'd, that on their arrival there each of them should receive cloaths, utensils, and tools, *etc.* for husbandry, all which were sent with them from England for their use, but of these they received but very little. They were moreover to have a grant of 40 acres of land to each person, but it was never perform'd. On their landing at New York they were quarter'd in tents on the common, and divided in six companies, over each of which was a Captain appointed to command them. Of which number John Conrad Weiser arrived here in London 1718, with an allowance of £15 pr. annum each, but not one farthing has been hitherto paid them. About the same time took the said Govr. against their consent many children from them, and bound them to several

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of the inhabitants till they should arrive to the age of 21, particularly two sons from Capt. Weiser. In the fall of that year those that were living (during and after their voyage a great number were dead) were removed to a tract of land belonging to Mr. Lewingston, where they lived in houses erected by themselves till the spring, when they were ordered to the woods to make pitch and tar, and continued there near two years; but as the land was improper to raise any sort of Naval Stores in any considerable quantity, their labours turn'd to a different account, and the profits of building and improving the lands fell to a private person, they being not able to make more than near 200 barrels of pitch and tar. The small prospect they had of being in capacity to serve the Nation, who had so generously advanc'd very great sums of money for their relief, and the impossibility there was of raising corn, cattle *etc.* for their subsistence on such barren land, oblig'd them to petition the Govr. that they might be put in possession and settle on the land call'd Schorie, which the Indians had given to Queen Anne for their use, he answer'd, that tho' the land was theirs, he could nor would not take it from them, neither could he settle them there, because it would oblige him to maintain too many garrisons. Some time after, he visited all the villages where they were settled *etc.*; they all applied to him again, that they might go and inhabit the above promis'd land; upon which he in a passion stamp'd on the ground and said, here is your land (meaning the almost barren rocks) where you must live and die. The second year after their arrival were orders sent to them to detach 300 able men to serve on the Expedition against Canada, which they chearfully did, and on their return were their arms taken from them, tho' all that went on the Expedition should have kept them by her late Majty's particular order, without paying them any wages; notwithstanding they were put on the establishment of New York and New Jersey or both, and the money receiv'd by the Govr., they march'd home, where they found their families almost starv'd, no provision having been given them during their absence. The winter following did the inhabitants of the frontier town of Albany desire the Govr. that they might have some of them to strengthen the garrison from an invasion of Indians, which the Govr. agreeing to, they went accordingly, but were never paid. In the second year of their abode at Levingston on the pitch wood, three of their people were sent

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down to Col. Hunter, petitioning him to order them their full allowance of provision, which they never hitherto had *etc.* About eight days after came this surprising message from him, that he had not receiv'd any subsistance for them from England, and therefore every one of them must shift for himself, but not out of the Province. Winter was just at hand, which is very severe, there being no provision to be had, and the people bare of cloaths, which occasioned a terrible consternation among them, and particularly from the women and children the most pityfull and dolorous cryes and lamentations that have perhaps ever been heard *etc.*, so that they were at last much against their wills put under the hard and grating necessity of seeking relief from the Indians *etc.* entreating them to give them permission to settle on the tract of land call'd Schorie, which they immediately granted, saying they had formerly given that land to Queen Anne for them, and nobody else should hinder them of it *etc.* All hands fell to work and in two weeks time clear'd a way thro' the woods of 15 miles long *etc.* 50 familys were almost settled there, when they received orders from the Govr. not to go upon that land, and he who did so should be declar'd a rebell. This message sounded like thunder in their ears, and surpris'd them beyond expression, but finding no manner of likelihood of subsisting elsewhere, but a certainty of perishing by hunger and cold if they return'd they found themselves under the fatal necessity of hazarding the Govrs. resentments, that being to all more eligible than starving. In March did the remainder of the people (tho' treated by the Govr. as Pharoah treated the Israelites) proceeded on their journey, and by God's assistance travell'd in a fortnight with sledges thro' the snow three foot deep, cold and hunger, join'd their friends and countrymen in the promis'd land of Schorie. The number of Germans who came hither were more than the land granted by the Indians could supply with settlements, and some of the people of Albany endeavouring to purchase the land round them from the Indians, on purpose to close them up, and deprive them of any range for their cattle, they were obliged to sollicit all the Indian Kings there adjoining for more land, which they willingly granted them, and sold them the rest of the land at Schorie, being woods, rocks and pasturage, for 300 pieces of eight. No sooner had Govr. Hunter notice, than he ordered Adam Vromen to persuade the Indians to break the agreement made. Upon the first settlement of this land

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the miserys those poor and almost famish'd creatures underwent were incredible, and had it not been for the charity of the Indians, who shew'd them where to gather some eatable roots and herbs, must inevitably have perish'd *etc.* When they continu'd about one year on this land, build small houses, and made other improvements thereon with their bloody sweat *etc.*, and under daily hazard of their lives from the French and Indian enemys as well as hunger and cold, several Gentlemen came to them from Albany, declaring they had bought that land of Govr. Hunter, and if they intention'd to live thereon they must agree with them, to which these poor people answer'd, that the land was the King's and that they were the King's subjects, and had no power to agree to anything about H.M. lands without his special order, upon which these Gent. said, we are Kings of this land, but the Germans reply'd, that their King was in England, and that the land should not be taken from them without H.M. particuar order. Some time after did these Gent. send the Sheriff with some others upon the land, and to take the said Capt. by force, dead or alive, but he having timely notice of it was on his guard *etc.* These gentlemen then fell on another project, which was to sow enmity betwixt them and the Indians, and if possible to persuade them (by money or rum) to put them in possession of the land, but in this also they fail'd, tho' not without great troubles and charge to those poor people, who were fore'd to put themselves on the mercy of the Indians, by giving them out of their nothing, and beg of them, that since they had so long suckled them at their breast, not to wean them so soon and east them off. In 1715 the Gent. from Albany sent a man to affix some papers on the land, containing in substance, that whosoever of the inhabitants should see those papers, must either agree with them, or leave the land. This being done in the spring, the best planting time for the Indian corn (the chief of their subsistance) damp'd the spirits of these poor people, slacken'd their industry and did them great damage. In 1717 came the Govr. to Albany, and ordered three men of every village and particularly Capt. Weiser to appear before him. When they appeared, he said, that he could hang Weiser and asked them (i) Why they went to Schorie without his order, (ii) Why they would not agree with the Gen. at Albany, (iii) Why they concern'd themselves so much with the Indians. Their answer was (i) that

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H.E. had ordered them to shift for themselves and necessity forced them to remove thither, and that they continued their settlement in expectation of H.M. grace *etc.* When they mentioned H.M., the Govr. in a great passion said, what Great Britain, and Mr. Lewingston added, here is your King, meaning the Govr., whereupon they beg'd his pardon, and that he would forgive them their ignorance. (ii) The people were so many, the land so small, and the ways so bad, that it was impossible to agree with the Gent. on their extravagant terms *etc.* They were sent over with a promise of so much land per head, and if they served anybody it must be the King, and not a private person. (iii) Living on the frontier, and liable to the daily insults of the French, they were obliged to keep fair with the friendly Indians. Governor Hunter then ordered that those who would not turn tenants to those Gent. of Albany to whom he had sold the land for 1500 pistoles, should remove, and that they should make lists of those that would and those that would not agree with the Gent., and that he soon expected an order from England to transport them to another place, but no such thing was perform'd. They remonstrated, how hard it would be to leave their improvements for nothing. Govr. Hunter answered, he would send 12 men and examine their improvements, and give them money to pay their debts, but it was never performed. The winter following they sent three men to New York to the Govr. humbly beseeching liberty to plough the lands, or he would otherwise take care of them, but he answer'd, what is said is said, meaning the prohibition of plowing at Albany. This was a thunderclap in the ears of their wives and children, and the lamentations of all the people increas'd to such a height, and their necessities grew so great, that they were fore'd for their own preservation to transgress those orders, and sow some summer corn and fruits, or else they must have starv'd. These Gent. have thrown one of their women in prison at Albany, who still continues there, as also a man for plowing the land, and will not release him till he gives 100 crowns security, the same has also happen'd to others. The Govr. sent orders that all Germans should take their oaths of being faithfull, and withall to pay 8s. pr. head, which they willingly agreed to, in hopes of a settlement, but this with all the promises formerly made unto them was in vain. *Copy, [C.O. 324, 34. pp. 171-183.]*

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- Aug. 23. **269.** Lord Carteret to Governor the Duke of Portland.
Whitehall. One Mr. Nairn is on board the ship with your Grace, intending to go to Jamaica *etc.* He having been lately concerned in a quarrel in which Ensign Car was dangerously wounded, occasioned by expressions of disaffection to H.M. person and Government, you are to order him ashore *etc.* *Signed*, Carteret. [C.O. 324, 34. p. 183].
- Aug. 24. **270.** A. Popple to Mr. Lowndes. Encloses draft of bond
Whitehall. for Col. Lynch as surety for Mr. Uring (*v.* 17th Aug.). [C.O. 5, 1293. p. 268.]
- Aug. 24. **271.** H.M. Instructions to Governor Worsley, with In-
Kensington. structions relating to Acts of Trade and Navigation. [C.O. 5, 191. pp. 374-460.]
- Aug. 24. **272.** 100th Article of Governor Worsley's Instructions,
relating to piratical goods. *Copy.* $\frac{1}{2}$ p. [C.O. 28, 44. f. 3.]
- Aug. 25. **273.** Order of King in Council. Approving Representation
Kensington. of 8th Aug., and appointing A. van Horn and W. Provoost to the Council of New York accordingly. *Signed*, Robert Hales. *Endorsed*, Reed. 9th, Read 13th Nov., 1722. 2 pp. [C.O. 5, 1053. ff. 80, 80v. 81v.]
- Aug. 25. **274.** Order of King in Council. The Governor and Council
Kensington. of Rhode Island are to deliver into the custody of the Judge of the Vice-Admiralty of New England the proceeds of the sale of the ship and cargo brought into Tarpaulin Cove by Benjamin Norton, and condemned as having been piratically employed. They are to be strictly observant to the decree of that Court for the future, and not to assume to themselves in anywise any right to Admiralty jurisdiction as they will answer the contrary at their perill *etc.* *Set out*, A.P.C. III. pp. 38-40, q.v. *Signed*, Robert Hales. *Endorsed*, Reed. 9th, Read 13th Nov., 1722. $9\frac{1}{2}$ pp. [C.O. 5, 868. ff. 321-325v., 326v.]
- Aug. 27. **275.** Certificate from the Remembrancer's Office that
Deputy Governor Uring has given the security required (*v.* July 19 *etc.*) *Signed*, James Pearse. *Endorsed*, Reed. 28th, Read 29th Aug., 1722. 1 p. [C.O. 5, 1266. ff. 65, 66v.]
- Aug. 29. **276.** Council of Trade and Plantations to the King. *Re-*
Whitehall. *presentation* upon Col. Moody's petition, 8th Jan. 1719. It doth appear to us from several affidavits, deeds of purchase and receipts for the same as well as from the testimony of Major Ballenden whom we have examin'd, that the petitioner did purchase several parcells of land and houses in or about Placentia, part whereof to the value of £732 3s. 4d., which he had let for

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the annual sum of £70 was seiz'd for your Majesty's use, and that a Fort is now actually erecting thereon *etc.* *Recommend* that satisfaction be made to Col. Moody for damage sustained *etc.* [C.O. 195, 7. pp. 84, 85.]

Aug. 30. **277.** *Same* to the King. Having taken security for
Whitehall. Governor Uring, enclose the usual Instructions for the Duke of Montagu, Proprietor of Sta. Lucia and St. Vincents, relating to the Acts of Trade. [C.O. 5, 1293. pp. 269, 270.]

Aug. 30. **278.** A. Popple to Governor Worsley. Encloses several
Whitehall. Acts of Barbados, 1714-20, "against which objections have arisen tho' not of that consequence, as to induce the Board to advise the immediate repeal of them, and others concerning the usefulness and effect whereof there may be some doubt. My Lords Commrs. had prepared a list of those Acts which they are of opinion may properly lye by for the moment, for the Rt. Honble. the Lord Belhaven, with their observations upon each of them, that you make take the necessary care in relation to them, when you shall arrive in your said Govt. and give their Lordships your opinion thereon with your observations."
Annexed,

278. i. List of Acts passed at Barbados, not confirmed or repealed, with observations thereupon. (i.) An Act empowering licentiate lawyers to practise as barristers in this Island (1715). By which law it is enacted that every person licensed under the hand and seal of the Governor, shall be authorized to practice the Law as fully as if he ware a regular barrister. The Committee of Correspondence of that Island urge as reasons for the said Law, that it had been the custom of the Island, and was approved of since the Crown had frequently appointed such licentiates to act as attorneys and Solicitors General in said Island, which was liable to inconveniences from there not being a sufficient number of barristers *etc.* Some gentlemen of Barbados who oppose it urge that the usage arose out of a necessity which has ceased to exist, and that since that time, 30 years ago, the Crown has always by patent appointed regular lawyers to be Attorneys General. Their not having a sufficient number of barristers is owing to the permitting licentiates to practice. It has been thereupon observed, that as the ignorance of the British laws dos naturally tend to weaken that connection and union which ought to be kept between the Mother Country and the Colony, this law may be attended with very ill consequences, since it is obvious that English gentlemen who are regularly call'd to the Bar will have but little encourage-

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ment to venture abroad when they see a perpetual establishment of licentiates in that Island, and which may probably create such a precedent as may induce the other Colonies to obtain the like law, which as it will leave them little or no reason to send their sons to be educated here, will naturally alienate them from the knowledge and love of the laws of Great Britain. That there are no qualifications whatsoever relating either to oaths or religion prescribed by this Act, but it is wholly left to the arbitrary disposition of the Govr., who in consequence is enabled to permit whom he pleases to practise as a barrister. Whereupon it is thought to be more for the honour of the Prerogative that in case there should be any deficiency of barristers in Barbados they should be obliged to apply for licences in Great Britain, and as it would be a hardship to take away the privilege of practising from those who have already been licensed, which perhaps might be the case if H.M. should repeal the Act, it is conceived fit that the same should ly by, and that the Governor might be directed not to grant any such licences before he shall have received the signification of H.M. pleasure in that behalf. (ii) An Act to *dock the intail limited on a plantation in the parish of St. James' and the negro slaves thereunto belonging and to vest the fee simple in William Thorpe youngest son of Robt. Thorpe.* (1717). Tho' there is a reservation of the right of Thomas Thorpe, who in case he should return into the Island would be intituled to the estate in fee, yet it is upon this condition that he should live in the Island; and tho' this is in pursuance of the Testator's will, yet while it stood upon the foot of the will Thomas Thorpe might and perhaps with success have disputed the validity of that condition; But if it be annexed to his estate by the passing this Act into a Law he is then bound down to the performance of that condition without remedy, and his removal out of the Island to reside even in this Kingdom might be construed a forfeiture of his estate. It does not seem reasonable that conditions of this nature should be encouraged, but that this Act should lie by till Thomas Thorpe or those claiming under him have had an opportunity of being heard thereupon. (iii) An Act to *dock the intails limited on certain plantations* in the parishes of St. Thomas and St. James and to vest the same in Joseph Gibbes in fee (1717). The estates appear to be derived from the wills of two different testators who created the intails and reserved on the determination of the

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said intails the remainder in fee to their respective right heirs, tho' there be no recital in this Act (by which its proposed to dock the said several intails) of the several consents of the next heirs of either of the said testators which is conceived to be not only requisite in consequence of the Governor's Instructions but even of natural justice and equity and has been a reason against advising H.M. to confirm the said Act before the respective right heirs of the testators after the said intail shall have consented thereto. (iv) *An Act for the better ordering and regulating H.M. Court of Exchequer etc. and Pleas of the Crown* (1718). Against the confirming this Act some reasons have been offered (whereof copies are annexed). But H.M. Council at law having no objection to the said Act in point of law, and the said reasons against it not being apprehended to be of sufficient weight for repealing the said Act at present, the Govr. is desired to inquire what effect the execution of this Act has had, and to give the Board of Trade an accot. thereof by the first opportunity. (v) *An Act for the better ordering and regulating the proceedings of H.M. Courts of Common Pleas* (1718). Tho' the intention of this Act seems very reasonable and may be passed when drawn into more proper form, the present Act has not been thought fit to be offer'd to H.M., and in the opinion of a very eminent person in the Law the reasons against it (copies annexed) are of much more weight than those for it; and as to the most material objection (which is allowed to be a very material one) vizt. the striking the juries by the Marshall, he thinks it would be convenient to put the Marshall in place of a Sheriff, and to Act in that matter as ours do, which will not make so great an alteration in the General Common Law. It is therefore recommended to the Governor of Barbados to inform himself what effect this Act has had and to transmit to the Board of Trade an accot. thereof as soon as possible. (vi) *An Act granting a free liberty to load and unload from any bays, creeks or harbours etc.* (1718). Quote objections of S.P.G. and Mr. Lowther's opinion. The Gentlemen in behalf of the Society declaring they had no objection to the one road already made thro' the Plantation adjacent to Conset Bay, etc., it has been conceived that tho' the said Act seems to be a good law and of convenience to trade, it may be fit to lye by as probationary. (vii) *An Act for abrogating the oath appointed by an Act of this Island to be taken by attornies employed to draw up special verdicts and appointing*

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another oath instead. (1718). This Act particularly referring to *Act supra* No. vi., it has been thought H.M. pleasure concerning it might for the present be suspended. (viii) *A supplemental Act to an Act to oblige the casual Receiver of H.M. Revenue to pay £100 current money towards the charges of the Courts of Grand Sessions* (1719). It is provided by a clause in this Act that it shall not be of force until H.M. royal approbation be first obtained, which has not been thought advisable for H.M. to grant, inasmuch as it does not appear that by virtue of the Act (1708) for *holding a Court of Grand Sessions*, which was confirmed by her late Majesty, and is referred to in the present Act, the charges of the said Court and Jurors was payable out of the casual revenue longer than during her said Majesty's reign it being expressed in that Act that the incident charges of each Sessions, as to the entertainment of the Court and Jurors, (not exceeding in any Session £100 sterl.) shall be paid out of H.M. casual revenue arising in this Island without mentioning H.M. heirs or successors, and besides the late Govr. of Barbados by the 42nd Article of H.M. Instructions, being directed to appoint two Courts of Oyer and Terminer to be held yearly there, the charge whereof to be paid by the publick Treasury of the foresaid Island, H.M. Auditor General for the plantations has complained of such charge as aforesaid being allowed out of H.M. Casual Revenue, which ought to be born by the publick Treasury of the Island, and it is hoped the Assembly of Barbado's will be induc'd the more readily to comply with H.M. just expectations herein which may be signify'd to them by the Govr., since by several of the Acts of Barbado's which have already had their effect the Legislature of that Island have defrayed the said charge out of the publick Treasury when the casual Revenue has been deficient. (ix) *An Act appointing the persons executing the office of Secretary etc. to act as Notaries publick in mercantile cases* (1720). It has been represented on behalf of the Secretary that the officiating as a Notary publick has always been a branch of his office, and there seems no objection to its being annexed thereto under proper rules and limitations, but if this Act should be confirm'd it's probable no other Notaries publick would ever act in that Island, and therefore it's highly improper that the power of acting should be confin'd to mercantile matters, but that it should be general and extend to all notarial affairs whatsoever, and con-

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sidering that by virtue of this act the Deputy Secretary will be the only Notary publick he ought in the strongest manner to be oblig'd to transact all notarial business under a severe penalty in case of refusal, since otherwise great inconveniences might follow, as in the case of protests, they might refuse to accept them, where themselves or friends were any ways concern'd and in other instances; and it ought to be provided in the strongest manner that the sole execution of a publick office (such as is the nature of a publick Notary) should not be arbitrary in the possessor of it. Besides this Act of Barbadoes, in case there should be no other Notary upon the Island wou'd be inconsistent with the Act of Parliament of the 11th of King William III *for the more effectual suppression of piracy* which enacts that a publick Notary shall be Register of the Admiralty Court establish'd by that Act, and this Barbados law provides that the officiating Secretary shall not be compellable to be Register of such Court. The foremention'd objections are judg'd of such a nature that unless the Assembly should within a reasonable time pass a new one not lyable to the like objections and to repeal the present Act, H.M. Commissioners for Trade will think themselves oblig'd humbly to propose the same to H.M. for his disallowance. *Enumerates 23 Acts*, concerning the usefulness and effect whereof there may be some doubts; and therefore remain at present probationary. [C.O. 29, 14. pp. 351-365.]

- Sept. 4. **279.** Robert Dundas, Lord Advocate of Scotland to Mr. Edinburgh. Popple. *Returns* enclosed. As desired, "I have caused the Keeper of the Records compare this coppie with the record and as he hath reported to me the record and the coppie don't agree at all, the grant is vastly longer" *etc.* The Keeper declined to give an authentick coppie for you without a particular order from the Lord Register, as it is his perquisite to give only extracts of such deeds, *etc.* The dues of an extract would come to about £13. *Signed*, Ro. Dundas. *Endorsed*, Recd. 11th Sept., Read 27th Nov., 1722. $1\frac{3}{4}$ pp. *Enclosed*,
 279. i. Copy of Sir William Alexander's grant of Nova Scotia, 1621, referred to in preceding. *Latin*. $7\frac{3}{4}$ pp. [C.O. 217, 4. ff. 148-153v.]

- Sept. 9. **280.** Lt. Governor Hope to the Council of Trade and Plantations. *Appeals* for their protection in the matter of the commission of deputy granted to Mr. Dinwiddie by the Receiver and Comptroller of the dues of Admiralty (v. 29th June). Most of the Governors of the American Plantations have assured him

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there never was any such officer under their jurisdiction. In the case of some ambergrease taken up here recently this Admiralty officer said he would seize it *etc.* "There is not perquisites that my commission of Vice-Admiralty intitules me to, but what he lays claim to" *etc.* P.S. Acknowledges orders of 14th June *etc.* *Signed*, John Hope. *Endorsed*, Reed. 11th Feb., Read 26th April, 1723. $2\frac{3}{4}$ pp. [C.O. 37, 10. No. 36; and (abstract) 37, 24. p. 11].

Sept. 10. **281.** Mr. West to the Council of Trade and Plantations. Report upon four Acts of Antigua transmitted by Governor Hart April 4th *q.v.* Objects to the expression "transient trader" in Act for *paying public debts*, as being too large *etc.* No other objections. *Signed*, Richd. West. *Endorsed*, Reed. 10th, Read 12th Sept., 1722. $1\frac{3}{4}$ pp. [C.O. 152, 14. ff. 150, 150v., 151v.]

Sept. 12. **282.** Mr. Newman to the Council of Trade and Plantations.
Middle Temple. No settlement of the boundary dispute between New Hampshire and the Massachusetts Bay has been arrived at, the difference between their interpretations of the Charter and Grant of the several Governments amounting to one half of what was originally granted under the name of New Hampshire. Such a concession, even if thought reasonable, this Government think they cannot come into, without leave from H.M. The King's subjects yearly encreasing on both sides of the boundary in dispute, makes it absolutely necessary that some accommodation should be come into, for preserving a good understanding between the Provinces *etc.* *Concludes*: I am therefore order'd humbly to beg your Lordships interposition in this affair, and that you would be pleased to permit me to lay a state of it before your Lordships for your opinion thereon, as a decision which the Province of New Hampshire will always most respectfully abide by. *Signed*, Henry Newman. *Endorsed*, Reed. 5th, Read 12th Sept., 1722. 1p. [C.O. 5, 868. ff. 312, 313v.]

Sept. 12. **283.** Council of Trade and Plantations to Lord Carteret.
Whitehall. You will see by the papers inclos'd (*v.* 27th July), that the Eastern Indians bordering upon N. England, are now in open rebellion, committing daily acts of hostility against H.M. subjects there, and that they are publickly protected by Monsr. Vaudreuil the French Governor of Canada; which being a matter of very ill consequence, we must desire your Lordship will receive H.M. orders thereupon, as soon as possibly may be. [C.O. 5, 915. p. 353.]

Sept. 14. **284.** Governor Phenney to the Council of Trade and Plantations. The condition of our Fort becoming dayly more decayed and the N.W. bastion sunk so far as I have been obliged to with-

N.
Providence.

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draw the cannon from it, I have now set fire to a lime kiln of about 2 or 3000 bushels, but must be obliged to take the very few workmen that were employed at the breastwork to rebuild the said bastion, and the other bastions being made of palmeto and plank which are now entirely decayed and rotten, by the time this work can be done another must necessarily be begun, so that the whole fort must be in a manner rebuilt. These things appear almost insurmountable, but I hope time and industry will overcome the greatest difficultys. *Prays that they may be granted an Assembly to raise money etc. v. 26th Dec., 1721 etc. Continues:* I have proceeded from the necessity of our affairs to lay (or rather continue for I find the same thing done last year) a small assessment of half a ryal p. gallon upon the import of rum and tonnage of foreign vessels trading hither, but our comerce being very little, it brings in but small revenue. I have also assented to some proposals for encouragement of settlers among us, hoping your Lordships will be pleased to approve what we have been so obliged to do for the benefit of the Government. *Encloses Minutes of Council relating to these affairs. Continues:* I have sent a second bill of exchange to the Lords of the Treasury for H.M. proportion of the brigantine seiz'd here by the Customhouse Officers. The net amount of which brigantine and cargo was 2758 ps. of $\frac{8}{9}$ or £551 12s. sterl., which is the exchange by which we all receive and pay. Augustino Blanco of Baracoa a Spanish pirate having landed and plunder'd the inhabitants of Cat Island, I sent a sloop well manned and armd to get an account of them; but they missing him, he had the impudence to return again with two sloops, and last week he was met with by two of our sloops, and forc'd one of his ashore with sixteen persons in her, nine of whom they took, one an English, and another a Scotch renegado. The rest got ashore at Little Island, and I have sent up a sloop with a detachment to fetch them down, and am in great hopes of securing the old pirate himself, he being in an heavy perriagua built out of his other sloop which was wreckt, with about 20 hands with them, one of his Lieutenants with the rest of his crew being return'd to Baracao in a prize sloop, but I hope by the next opportunity I shall be able to give your Lordships an account of this barbarous fellow who has been a terrour to these Islands these twenty or thirty years. There was found among the prisoners a Journal belonging to Willm. Williams Master of the *Oak* bound from London to Virginia, which is brought down to the 24th July last, so that I am afraid Juan Matchao a comrade of Augustine's who has been upon that coast, and lately spoke with him among these Islands has made a prize of the said ship, the prisoners telling me he gave them that and other papers to make cartridges, as he passed by them, *etc. Signed, G. Phenny. Endorsed, Reed. Read 20th Nov., 1722. 2 pp. Enclosed,*

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284. i. (a) List of Council of the Bahama Islands. Same as Dec. 26, 1721, except that James Gohier is marked "absent"; Thomas Walker senr. dead, and his place filled by John Howell; Carrington and Skynner are suspended, and Thomas Wood, "quitted and left the Islands. Place filled by Thos. Ockold. (b) Persons proposed to fill vacancies in the Council. Same as Dec. 26, 1721, except that Neal Walker is named instead of John Thompson. *Same endorsement.* 2 pp.
284. ii. Minutes of Council of the Bahama Islands, 20th March, 1722, referred to above. *Same endorsement.* Copy. 2½ pp.
284. iii. Account of gunner's stores wanting in Fort Nassau, 12th Sept., 1722. *Signed,* John Allen, gunner, Jno. Pennell, storekeeper. *Same endorsement.* 1½ pp.
284. iv. Inventory of gunners stores in Fort Nassau, 12th Sept., 1722. *Signed as preceding.* *Same endorsement.* 2¼ pp. [C.O. 23, 1. Nos. 47, 47. i.-iv.]

Sept. 14. **285.** Council of Trade and Plantations to the King.
Whitehall. Recommend for H.M. confirmation Acts of St. Christophers for *laying an export duty*, and *settling £2000 on Governor Hart* (v. 18th July). [C.O. 153, 14. p. 95.]

Sept. 14. **286.** Lord Carteret to the Governor of the Leeward Islands.
Whitehall. You are to comply with the orders sent to Govr. Hamilton 31st Dec. 1718, relating to the lands of Sir John St. Leger, Dr. James Douglas, and John Thornton *etc.* *Signed,* Carteret. [C.O. 324, 34. pp. 184, 185.]

Sept. 18. **287.** Mr. Nivine to the Council of Trade and Plantations.
Jermayn Street. In obedience to your Lordships commands I offer some things in relation to an Act of Antigua *to lay a duty on goods imported etc.* By H.M. 24th Instruction Governor Hart is only required not to give his assent to any bills of an unusual and extraordinary nature *etc.* This is not a bill of that kind, for it has been usual for many years in most Colonies to lay duties upon goods imported. The cost will fall upon the consumer, and not damage the trade of Great Britain, which is secured from any rivals in the markets of the Plantations in European goods *etc.* It seems plain that H.M. in permitting the Governours to accept of additional salaries from the Assemblys did consider that this was much less grievous to his subjects than the methods generally resorted to before by Governours to get money *etc.* *Signed,* Will. Nivine. *Endorsed,* Reed. Read 19th Sept. 1722. 2 pp. [C.O. 152, 14. ff. 152, 152v., 153v.]

Sept. 19. **288.** Governor Philipps to the Council of Trade and Plan-
Canso. tations. I have fouled so much paper and troubled your

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Lordships so often with representations of the state of this Province as well by expresses as otherwise *etc.*, that I have determin'd to wayte on your Lordships in person this Fall, and the rather, as the face of affaires are something changed and a new scene open'd which has drawne me into an Indian warr malgré all my endeavours to avoyd it. It is certaine nothing could be more unexpected, for I never had a better prospect of peace and friendship with them then at the time of their breakeing out, their Chiefes having been with me but a month before, whom I feasted and gave them part of the King's presents on their solemn promises of good behaviour toward all H.M. subjects, and therefore could hardly credit the first reports of their taking the 18 trading vessells in the Bay of Fundy which were soon after confirmed with the farther accots. of their having taken 18 vessells more in the Harbours on this coast, among which was a sloop I had dispatch'd with bread for the Garrison of Anapolis Royall, from this success they began to flatter themselves with the hopes of reducing that fort by blockade, but the provisions from Europe arriving here in the mean time I arm'd the vessells that were to proceed with part thereof to that Garrison, who getting safe thither, and Mr. Doweett having an opportunity of making about twenty of the Indians (who lay incamped in the woods) prisoners, about two thirds being women and children, that great designe blue up. By this time wee were in the middle of the fishery and the harbour full of ships wayteing their loading, when fresh advices came that the Indians were cruising upon the Banks with the sloopes they had taken assisted by the prisoners whom they compell'd to serve as mariners, and gave out that they were to attack this place with all their strength, which alarm'd the people to that degree, bringing to mind their sufferings two yeares agoe, and being very much disheart'n'd to find that no measures had been taken this yeare for the security of the place, from whence they jud(g)e my representations to have no weight with the Government at home, and their misfortunes to proceed from my want of intrest, they were upon breakeing up and every man to shift for himselfe. To prevent which, and having just then received an express from Governour Shute with a Declaration of Warr by that Government agt. the Indians, desiring my assistance, I assembled the Harbour and prevailed with them to concurr with me in fitting and manning out two sloopes to protect the Fishery, and having reinforced each of them with a detachment of the Garrison and an Officer, it had that good effect that in three weekes time I retooke all the vessells and prisoners, except fowre which the N. England people poorly ransom'd, upon this occasion many Indians were kill'd, among the number foure of their Chiefs who had been with me but a month before, receiving the King's presents, on the most solemn assurance of their intentions to live in

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peace and good friendship with H.M. subjects and being asked the reason of their suddaine change, all of them agreed in one story, that they were sett on by the French Governours. It is certaine they did expect by their advices from Europe a speedy rapture between the two Crownes, and the troubles in Gt. Brittain being magnifyd here, they concluded they had beau joue and gave the hint (as is reasonable to imagine) to the Indians to doe what mischief they could by surprize however they have paid deare for it, haveing never received such a cheek in this country, and wee are now as easy and quiett as if there was not an Indian in the country, so that the business of this place will conclude with success. And now the winter approaching which is no season for action or business here I shall first see the ships dispatch'd, and the Garrison in a good posture of defence, and then (as in all likelihood) the voyage may be as quick and less difficult to Gt. Brittain as to Anapolis Royall begg leave to wayte on your Lordships to render an account of my proceedings hitherto *etc.* Signed, R. Philipps. Endorsed, Reed. 8th Dec., 1722, Read 10th Jan., 1722 $\frac{2}{3}$. 6 pp. [C.O. 217, 4. ff. 154, 155-157v., 158v., 159v.; and (abstract) 154, 154v.; and 217, 30. pp. 16, 17.]

Sept. 19. **289.** A. Popple to Mr. West. Encloses, for his opinion
Whitehall. thereupon in point of law, 4 Acts of Mountserratt, (i) *to repeal an Act whereby the duties upon liquors and licences are given to the Honble. Tho. Talmash Esqr. and appointing the former duties to be levied on liquors imported.* (ii) *for raising a poll-tax, and for taxing and assessing of the houses in the town of Plymouth to pay off the publick debts.* (iii) *For granting to H.M. certain duties upon the impost of dry goods and liquors and for the payment of £500 annually to H.E. etc.* (iv) *for raising a poll-tax for taxing the several houses within the town of Plymouth and for assessing each respective trader within said Island;* and five Acts of St. Christophers, (i) *for the continuance of part of an Act for employing negroes on the fortifications etc.* (ii) *for regulating the Militia.* (iii) *for raising of gunpowder and small arms upon the tonage of vessels trading to this Island etc.* (iv) *for the good government of servants for ordering the rights between masters and servants for encouraging the importation of servants for directing a due performance of contracts, and for payment of wages to artificers, workmen and labourers.* (v) *for attainting several negroes and for the more effectual preventing negroes running away etc.* [C.O. 153, 14. pp. 97-99.]

Sept. 20. **290.** Council of Trade and Plantations to the King.
Whitehall. Recommend appointment of Major Richard Holmes to the Council of St. Christophers in the room of George Lyddell *etc.* [C.O. 153, 14. pp. 99, 100.]

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Sept. 20. **291.** *Same to Same.* Recommend appointment of William Whitehall. Pym Burt and Major Richard Abbot to the Council of Nevis in the room of Jos. Symmonds and Roger Pemberton who have refused to act *etc.* [C.O. 153, 14. p. 100.]

Sept. 20. **292.** Mr. Lowndes to A. Popple. The Lords Commrs. of Whitehall. H.M. Treasury having under their consideration the settling of a proper method for the disposal of the French lands in St. Christophers desire copies of instructions, reports, memorials, *etc.* that concern the same with all expedient *etc.* Signed, W. Lowndes. Endorsed, Reed. Read 20th Sept., 1722. Addressed. Sealed. 1 p. [C.O. 152, 14. ff. 162, 163v.]

Sept. 20. **293.** A. Popple to Mr. Lowndes. *Reply to preceding.* The Whitehall. papers you desire were transmitted to the Lords of the Treasury by the Board's letter, 16th Oct., 1717. [C.O. 153, 14. p. 101.]

Sept. 20. **295.** Governor Sir N. Lawes to the Council of Trade and Jamaica. Plantations. Since I had last the honour of writing to your Lordships it has pleased Almighty God to visit this Colony with a most dreadful storm which happened on the 28th of August last. The calamity we are under is unexpressible many of our houses are blown down, most of the shipping in our harbours are destroyed and many hundreds of people particularly at the town of Port Royall have lost their lives by the fall of houses and inundation of the sea, and the damage done to the Plantations throughout the whole country is inconceivable. H.M. fortifications has likewise suffered very much. *Refers to enclosed account,* by which your Lordships will perceive that without H.M. aid and assistance it will be utterly impossible from the low condition the poor inhabitants are reduced to for us to put ourselves in the same postures of defence we were in before the storm, wherefore I have joyn'd with the Council in an humble address *etc. enclosed.* The extremity of the weather was such that for some days we were left destitute of any other covering than the Heavens and so soon as we had got a little shelter I took all necessary precaution in ordering the proper officers in their respective districts to make a view of all the small arms and ammunition in the country and to see the Act of Militia relating thereto duly put in execution. I have not yet received all the returns from the several parishes, but I am sorry to find by the few that are return'd the weak condition we are in and as our fortifications at present are mostly unserviceable, so a speedy relief must appear to your Lordships the more necessary. The new erected line on Port Royall call'd Hanover line stood it the best and as I am informed has been of great security to the remaining part of that town, which otherwise must have been destroyed by the breaking in of the sea upon them. But against an enemy it continues still of no defence for want of

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great guns *etc.* which I have often mentioned to your Lordships. The King's house and most of the publick buildings have suffered so much that they are almost irreparable. *Encloses list of damage done to the shipping.* *Continues* :—H.M. ships of warr that were then in the harbours rid out the storm, but with the loss of all their masts which loss is thought cannot be repair'd here. As soon as it was possible after the storm I summoned a Council to consider whether an Assembly should be call'd or Martial Law put in force the latter of which was judg'd would hinder the poor people from covering and repairing their houses, so an Assembly was agreed on, and writts are now issued for their meeting on the 22nd of October. I wish they may agree to do their King and Country service and proceed to business with more moderation then the last did. This letter is conveyed to your Lordships by a ship that was saved in a remote harbour at the north side of this Island and is the only one that I hear of that did not receive considerable damage in the late storm. *Signed*, Nicholas Lawes. *Endorsed*, Reed. 5th, Read 6th Dec., 1722. 3 pp. *Enclosed*,

295. i. Address of the Governor and Council of Jamaica to the King. Represent losses caused by the storm *as in preceding*. "Wee fly to your Majesty as the father of our Country for succour in our distress, and humbly beseech your Majesty to send us such aids of gunns carriage firearms and ammunition and such a number of ships of war as your Majesty in your great wisdom shall think necessary" *etc.* *Same endorsement*. 1 $\frac{3}{4}$ pp.

295. ii. List of stores of war requested of H.M. by the Governor and Council of Jamaica, 40 great guns 36 pounders with carriages *etc.*; 200 barrels of gunpowder, 500 firelocks, 10000 pound weight of musquet ball *etc.* *Same endorsement*. $\frac{3}{4}$ p.

295. iii. Lt. Coll. Joseph De Launay to Governor Sir N. Lawes. Fort Charles, Sept. 5th, 1722. Describes damage done to the Fort by the hurricane and inundation of the sea. Many of the guns were dismounted, and part of the walls fallen or undermined *etc.* *Signed*, Jos. De Launay. *Same endorsement*. 1 $\frac{1}{2}$ pp.

295. iv. Copy of The Weekly Jamaica Courant, No. ccxxxv., Sept. 12th, 1722. Accounts of the Hurricane :—*Kingston*. It began at 8 in the morning and continued till 10 at night. Near one half of the houses are shattered *etc.* We hear of no more than three persons who lost their lives. The wharfs are all destroyed. Of 26 sail of top-sail vessels, and 10 sloops that were in the harbour, no more than 10 are seen, and but five or six of them repairable *etc.* *St. Jago de la Vega*. Considerable damage in our buildings, particularly the King's House and Seeretary's Office, but very few persons

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hurt. "It is remarkable that those houses which were built by the Spaniards, sustain'd very little damage." At Old Harbour the houses and people are all destroyed except two. Proclamation by Governor Sir N. Lawes empowering the Provost Marshall to search for and recover goods plundered from ships or houses damaged by the storm. 3rd Sept., 1722. *Port Royal*. We were under apprehensions of the dreadful hurricane the day before, from the weather appearing very unsettled *etc.* and the prodigious swell of the sea, throwing up several hundred tons of rocks of large size over the wall at the Eastward part of the town *etc.* Near 400 persons lost their lives, and above half the town is destroyed. The streets were covered with ruins of houses, wrecks of boats and vessels, and great numbers of dead bodies. The inhabitants that were preserved, reduced to great extremity for want of water, provisions and other necessaries; many must have perished had it not been for the assistance of H.M. ships that rid out the storm *etc.* . . . People differ in opinion concerning this hurricane and that in 1712; several circumstances are offered to prove which was most violent *etc.* List of ships and sloops and the damage they sustained *etc.* *Same endorsement. Printed. 4 pp.*

295. v. Naval Officer's List of damage done to the shipping by the storm. *Same endorsement. 6½ pp. [C.O. 137, 14. ff. 167-169v., 170v., 171, 172v-173v., 174v.-176v., 177v-181v.]*

Sept. 24. **296.** H.M. Warrant for appointing Richard Bradley
Kensington. Attorney General of New York, in the room of John Rayner,
decd. *Countersigned, Carteret. Copy. [C.O. 324, 34. p. 187.]*

Sept. 25. **297.** Council of Trade and Plantations to the King. *Repre-*
Whitehall. *sentation upon Act of Antigua to lay a duty on goods imported etc.*
(v. 13th June). We find that the British trade and shipping
will be thereby affected, and that there is not a clause therein
pursuant to your Majesty's Instructions to Governor Hart for
suspending the effect thereof till your Majesty's pleasure be
declared thereupon. Wherefore we humbly lay the same before
your Majesty for your disallowance. [C.O. 153, 14. p. 102.]

Sept. 15. **298.** Mr. Walpole to Mr. Popple. Upon the representation
Treasury of 10th Aug., the Lord Commissioners of H.M. Treasury desire
Chambers. the Council of Trade to adjust the losses and pretensions of
Col. Armstrong, and report what recompense may be fit to be
allowed him. *Signed, H. Walpole. Endorsed, Reed. 1st, Read*
3rd Oct., 1722. Addressed. 1 p. Enclosed,

298. i. Duplicate of 10th Aug. [C.O. 217, 4. ff. 136, 137,
137v., 139v.]

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Sept. 25.
Leicester
Fields.

299. Sir Isaac Newton to [?Lord Carteret] I have procured an assay to be made of the oar weh. yor. Lordp. sent to me, and send you inclosed the report of the Assayer. He found neither silver nor lead nor any other metal in the oar : but in the assay, some part of it evaporated in a sulphureous fume and the rest became a cinder without yeilding any metal. He tells me that if he had had a sufficient quantity of oar he would have made two or more assays. For a single assay is scarce sufficient to ground a report upon *etc.* *Signed*, Isaac Newton. 1 p. *Enclosed*,

299. i. Thomas Weston to Sir Isaac Newton. Report as above. Asks for a poundweight of ore for another trial. *Signed*, Tho. Weston. Sept. 24, 1722. *Addressed. Sealed.* $\frac{1}{2}$ p. [C.O. 5, 1233. Nos. 60, 60. i.]

Sept. 25.
Kensington.

300. The King to the Governor and Company of Rhode Island. The goods belonging to the ship brought into Tarpaulin Cove by Benjamin Norton *etc.* are to be forthwith delivered into the custody of the Judge of Vice Admiralty of New England. The Governor and Council are not to assume to themselves any right to Admiralty jurisdiction, but to be strictly observant to the decree of the abovesaid Court *etc.* *Quotes* report of Lords Committee of Privy Council as set out A.P.C. III. No. 35. *q.v.* *Countersigned*, Carteret. *Copy.* [C.O. 324, 34. pp. 188-192.]

Sept. 26.
Whitehall.

301. Council of Trade and Plantations to Lord Carteret. We have lately receiv'd two letters from Lt. Governor Doucett (v. 29th June and 2nd July, 1722) *etc.* We find by them that the French inhabitants remaining in Nova Scotia and the French Missionaries who travel up and down that country are very industrious in instigating the Indian Natives to insult and plunder H.M. subjects there upon all occasions ; so that altho' this Province was solemnly given up to the Crown of Great Britain by the Treaty of Utrecht the possession H.M. has of it is a very precarious one, and which in all probability depends upon ye pleasure of ye French ; from whom we have no great reason to expect fair treatment in those parts, as appears very plainly by their practices in this Province and on ye borders of New England ; Wherefore we find ourselves under a necessity of repeating what we formerly propos'd that H.M. may be moved to send a greater force for the protection of ye Province, and that the French inhabitants remaining there, who have refus'd to take any oath of allegiance to H.M. may be compell'd to evacuate the Province. We the rather repeat this at this time because the Fishery lately establish'd at Canço is likely to prove of great consequence to Great Britain ; Besides that Nova Scotia in many other respects may prove a very valuable possession. [C.O. 218, 2. pp. 23-25.]

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Sept. 26. **302.** A. Popple to Mr. Lowndes. Desires copy of the Duke
 Whitehall. of Montagu's grant of Sta. Lucia and St. Vincents. [C.O. 5,
 1293. pp. 270, 271.]

Sept. 26.

Whitehall.

303. Council of Trade and Plantations to Lord Carteret.
 The inclos'd report containing an acet. of several ill practices
 in the Province of New York, whereby H.M. is defrauded of
 his lands and quit rents there which seem'd to us worthy of
 animadversion, we must desire your Lordp. would be pleased
 to lay the same before H.M. for his Orders thereupon. *Annexed,*

303. i. *Same* to the King. *Refer* to Governor Burnet's letter
 relating to the bill for *facilitating the partition of lands*
in joynt tenancy, and Mr. Colden's Memorials. *Con-*
tinue: Whereby it doth plainly appear to us, that the
 intention of ye Assembly was not really what ye title
 of the Bill pretended, but a manifest design to defraud
 your Majesty of great tracts of land at present possessed
 of divers persons, in the said Province, under colour
 of certain exorbitant and illegal grants, to the great
 detriment of your Majesty's title and revenue there.
 The consideration of this attempt, naturally led us,
 to inquire into the true state of this Province, with
 respect to your Majesty's quit rents, and the proportion
 the same bear to the vast tracts of land, possessed
 under colour of the aforesaid grants *etc.* *Continue:*—
 From the first settling of the British Colonys in America,
 the Governors of such of them as were immediately
 under the Governmts. of the Crown, have been always
 impowered with the advice and assent of their res-
 pective Councils, to make grants of lands there to
 such persons as should be willing to settle and cultivate
 the same, under the reservation of reasonable quit
 rents and services, which were left to the discretion
 of the said Governors and Council, who certainly ought
 to have proportion'd the same to the value, and
 quantity of the land granted, neither can it be pre-
 sumed, that it ever was, or could be, the intention of
 the Crown, to grant larger tracts of land, than in all
 probability could ever be cultivated by the person to
 whom they were granted *etc.* Colo. Dungan was the
 first Governor of this Province appointed by the Crown
etc. *Quote his Commission as to disposal of lands.*
Continue: The same powers verbatim were given to
 all succeeding Governors, and there is but too much
 reason to be convince'd, that a very gross abuse was
 made of this trust, tho' no formal complaint of it
 till the administration of Col. Fletcher. *Quote pro-*
cedure and instructions relating to the resumption of
extravagant grants 1698–1708. v. C.S.P. under dates.

1722.

Continue: But we find by Mr. Colden's Memorial that several exorbitant grants formerly obtain'd without previous survey, are still remaining, extended by great fraud and deceit, and the bounds industriously concealed from the knowledge of your Majesty's Officers, no number of acres mention'd in the said grants, or at least infinitely a less number, yⁿ is pretended to, by the Patentees. The Salisbury Patent for instance, grants only 400 acres, But the Patentees claim about 70 thousand for which they only pay half a bushel of wheat quit rent pr. annum; and the patent of Wavyando, which pays but a trifling acknowledgment, extends upwards of 50 miles in length, yet the Patentees not content with the same, have incroached near 30 miles square, upon one of ye grants resumed by the Act [*for vacating extravagant grants etc.*] The persons interested in the patent of Minicunque, of no less extent than the former have made the like incroachments, and Mr. Colden further takes notice, that there is one single patent, now existing at New York, by virtue whereof, the Patentees claim above two millions of acres, for which they pay no more than three pounds a year to your Majesty, he likewise adds, that having calculated the contents of eight patents, only according to their present claim, they wou'd at the rate of 2/6 a year for every hundred acres, produce an annual rent of £4176 to your Majesty, whereas at present they pay only £17 7s. 6d., from whence he very reasonably concludes, that if justice were done to your Majesty, the lands of this Province might produce a sufficient Revenue, for the support of your Majesty's Government there, without doing injustice or hardship, to any person whatsoever. Your Majesty being highly injur'd by these practices, we thought it out duty to lay the same, together with our humble observations thereupon before your Majesty, that if possible, an adequate remedy may be provided for so great an evil, which does not affect the royal revenue only, but is likewise prejudicial to your Majesty's interest in many other respects, in as much as some part of these exorbitant grants, have been surreptitiously obtained from the Sachems or Princes of the Five Indian Nations inhabiting the borders of New York, who have in all times adhered to the interest of Great Britain, and ought not upon any account, to be disoblig'd, being an honest warlike people, besides that industrious planters are thereby prevented from settling such lands, as at present lye uncultivated, and consequently the Colony can never

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be peopled as it might otherwise be. Such is the present state of this Province, and we apprehend, there is not much redress to be hoped for from the ordinary methods of proceeding in the Courts of Law, where it wou'd be difficult to impanel a jury, that are not concern'd in the consequence of these tryalls, and therefore, we would humbly propose to your Majesty. that your Majesty's Governor of New York should be instructed, to procure another Act to pass the Council and Assembly there, as the Earl of Bello-mont formerly did, for vacating all the exorbitant grants still remaining. And in order to make ye said Instructions more effectual, we wou'd submit to your Majesty's great wisdom, whether it may not be proper, that Mr. Burnet shou'd be directed, to acquaint ye Council and Assembly of N. York, that in case your Majesty's. commands in this particuar, meet with a ready obedience, your Majesty will afterwards take into your Royal consideration, the particuar cases of the persons likely to be affected by this resumption, as her late Majesty did, but that in case of refusal, or delay herein, your Majesty. shall be obliged to have recourse to ye Legislature of Great Britain, for justice, against such unreasonable frauds and encroachments. But forasmuch as it is evident, that this disorder cou'd never have happen'd, had the lands been regularly survey'd, before they were granted, and the grants thereof duely registred in the proper Offices, we are humbly of opinion that the Instruction, formerly given to my Lord Lovelace, relating to the method for granting of lands, shou'd be further inforced; And we wou'd likewise submit, whether it might not be for your Majesty's service, that the Crown Surveyor shou'd be impower'd by Act of Parliament in Great Britain, to survey the lands of all persons, claiming by grant from your Majesty, or your Royal predecessors in any of the Provinces immediately under your Majesty's Governmt., and that all such claimants, may be oblig'd to make due entrys of their respective grants in the proper Offices. *Set out, N.Y. Col. Docs. V. 650. [C.O. 5, 1124. pp. 294-313; and (rough draft of covering letter only) 5, 1079. No. 131.]*

Sept. 26. **304.** *Same to the Lords of the Treasury. Enclose copy of*
 Whitehall. *preceding, in order that "when the same shall come to be considered in Council, your Ldps. may be the better able to advise therein" etc. [C.O. 5, 1124. p. 314; and (rough draft) 5, 1079. No. 132.]*

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Sept. 27.
Whitehall

305. Lord Carteret to Governor Nicholson. The Marquis de Pozobueno the Spanish Minister here hath represented that the King his Master had recd. advice from the Govr. of Florida of a new fort now building by your order, as Govr. of Carolina in the Tanioia and the mouth of the Talage, 33 leagues distant from the Castle commonly called the Fort of Florida; that the sd. new fort is already garrison'd with 50 soldiers, tho' it be not yet compleated, and hath only 5 cannons mounted according to the information given by an officer of Florida who was sent to view it, and was denied entrance into it by the English Commander, and that the sd. Govr. of Florida having sent to the Govr. and Assembly of Carolina, to demand the reason of building this new fort, he was answered, that they had His Britannick Majty's. commands to secure His Dominions by forts and Colonies in the best manner they were able. The sd. Minister having further alledged, that the fort complain'd of is building in a territory belonging to the Crown of Spain, and having made instances, that the same should be demolished, and no other built there for the future; you are to transmit hither a particualar state of this matter, that it may appear to whom the Territory, on wch. the said fort is erected, does properly belong. *Signed*, Carteret. *Copy*. [C.O. 324, 34. p. 209.]

Sept. 27. **306.** Lt. Col. Armstrong to the Council of Trade and Plantations. *Refers to* reference from the Treasury, 25th Sept. *Concludes*: If I am not reliev'd from the hard circumstances I labour under, on account of my hearty and sincere endeavours to serve H.M., I shall be inevitably obliged to dispose of my Commission to satisfie those, who upon that occasion gave me credit, the consequence of which must be very fatal, if to want bread after 28 years service, may be so call'd. *Signed*, L. Armstrong. *Endorsed*, Recd. 1st, Read 3rd Oct., 1722. 2 pp. [C.O. 217, 4. ff. 140-141v.]

Sept. 28. **307.** H. Walpole to Mr. Popple. Encloses following, upon which the Lords Commrs. of the Treasury desire the opinion of the Board of Trade. *Signed*, H. Walpole. *Endorsed*, Recd. 2nd, Read 3rd Oct., 1722. 1 p. *Enclosed*,

307. i. Petition of traders to Carolina, Spain and Portugal to the Lords Commissioners of H.M. Treasury. *Pray* their countenance in applying to Parliament for an Act takeing off the enumeration of rice *etc.* for reasons following. *Signed*, Rd. Hopkins, Fra. Yonge and 25 others. 1 large p. *Enclosed*,

307. ii. Reasons for taking off the enumeration of rice made in H.M. Plantations. *Cf.* C.S.P. 22nd Nov. 1721. 2½ large pp. [C.O. 5, 358. ff. 145, 146, 147-148, 150v.]

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Sept. 29. **308.** Petty Expences of the Board of Trade, June 23–Sept. 29th, 1722. v. *Journal of Council.* 5 pp. [C.O. 388, 78. ff. 33, 34, 39, 40, 44.]

Oct. 3. **309.** Governor Burnet to the Council of Trade and Plantations. *Encloses* 6 Acts passed in the last meeting of the Assembly of New Jersey, engrossed on parchment :—(i) *for the support of government for five years*, which is formed in the same manner with those passed in Brigadier Hunter's time except as to the term which was then usually for two years only, and once for three. (ii) *For the security of H.M. Government*, which was made to ascertain the manner of tendring the oaths enacted by Parliament to all suspected persons in New Jersey *etc.*

Continues : This Act was such a blow to the Jacobite party there, that tho' I have not yet made any use of it they are become very modest and humble, and I expect little trouble from them for the future. *Refers* for the occasion of it, to the letters of 25th May and 17th June. (iii) *For regulating the Militia, etc.*, which is almost on the same foot it was in Brigadier Hunter's time, tho' rather stricter. (iv) An Act intended *to prevent the multiplicity of law suits* which was vehemently pressed by the Assembly, and does not seem attended with any ill consequences. (v) *To prevent the killing of deer*, and (vi) a private Act. I should have sent your Lordships these Acts sooner had it not been for my long stay at Albany where I have met the Indians in company with the Governors of Virginia and Pensylvania, and ended everything to our satisfaction. But could not come away till the end of last month. *Acknowledges* letter of 6th June. I can never sufficiently express my thankfulness for your Lordships favourable sentiments of my proceedings *etc.* The sudden departure of this conveyance with the application necessary to the affairs of the assembly now sitting, obliges me to defer the account of our transactions at Albany to my next. I send your Lordships the prop. of the Indians in Nanfan's time at length, it is a plain claim not only as far as Niagara, but to the *Detroit* called by them Teughsaghrondrie, which lyes between the lakes Erie and Huron. *Set out*, N.J. Archives, 1st Ser. V. 53. *Signed*, W. Burnet. *Endorsed*, Recd. 5th Dec., 1722, Read 4th July, 1723. *Holograph.* 4 pp. *Enclosed*,

309. i. Conference of Governor Nanfan with the Five Nations 19th July, 1701, referred to in preceding. *Set out*, C.S.P. 1701. pp. 451–453. *Endorsed*, Recd. 5th Dec., 1722. 5½ pp. [C.O. 5, 972. ff. 70–71v., 72v.]

Oct. 5. **310.** Council of Trade and Plantations to the Lords Commrs. of the Treasury. *Reply to Sept. 25th.* By his proofs and vouchers Col. Armstrong convinced us that his account amounted to £1138 17s. 10d. ; but if H.M. would allow him £800 for the

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immediate payment of his creditors, it might be of more advantage to him, than his entire demand at a distant time *etc.* Without speedy relief, he must dispose of his Commission, whereby he and his family will be redue'd to the utmost extremity. [C.O. 218, 2. pp. 26-28.]

Oct. 6. **311.** Lord Carteret to the Governor of Barbados. His Grace the Duke of Montagu having obtained of H.M. a grant of the Islands of Sta. Lucia and St. Vincent, hath sent a considerable number of men to the former of these Islands, and is sending more, in order to the peopling and improving the same ; and H.M. being willing to encourage so useful an undertaking, hath commanded me to signify His pleasure to you, that you afford all due countenance and protection to the persons employed by his Grace the Duke of Montagu in the settling the sd. Island. *Signed*, Carteret. *Mem.* The like letter to the Governor of the Leeward Islands. [C.O. 324, 34. p. 193.]

Oct. 6. **312.** Order of King in Council. Appointing Major Richard St. James's. Holmes to the Council of St. Christophers *etc.* *Signed*, Robert Hales. *Endorsed*, Reed. 9th, Read 13th Nov. 1722. 1½ pp. [C.O. 152, 14. ff. 164, 164v., 165v].

Oct. 6. **313.** Order of King in Council. Appointing William Pym St. James's. Burt and Major Richard Abbot to the Council of Nevis *etc.* as Sept. 20th. *Signed and endorsed as preceding.* 2 pp. [C.O. 152, 14. ff. 166, 166v., 167v.]

Oct. 8. **314.** H.M. warrant for appointing Wavel Smith and Savile St. James's. Cust Esqrs. Secretary and Clerk of the Crown of the Leeward Islands, on the petition of John Knight, who has surrendered these offices. *Countersigned*, Carteret. *Copy.* [C.O. 324, 34. pp. 194-196.]

Oct. 9. **315.** Richard Partridge, Agent for Rhode Island and Providence Plantations, to Mr. Popple. In reply to 6th March, encloses following and asks that a speedy day may be appointed for hearing their case *etc.* *Signed*, Thy assured friend, Riehd. Partridge. *Endorsed*, Reed. Read 10th Oct., 1722. *Addressed. Sealed.* $\frac{3}{4}$ p. *Enclosed*,

315. i. Joseph Jenekes and Richard Partridge to the Council of Trade and Plantations. A state of the case respecting the difference between the Colony of Rhoad Island and Providence Plantations and that of Conneticut relating to their boundarys *etc.* *London*, Oct. 9th, 1722. *See A.P.C. III. No. 4. 4 closely written pages.* [C.O. 5, 1266. ff. 67-70v.]

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Oct. 10. **316.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Christmas to Michaelmas. There was then 9 months salary due to the Secretary and other Officers *etc.* *Accounts annexed.* [C.O. 389, 37. pp. 221-224.]

Oct. 16. **317.** Governor Nicholson to Mr. Delafay. *Acknowledges* Charles City and Port, So. Carolina. "kind and obliging letter of 3rd Aug." *Continues:* I hope I have not hitherto done or shall do that which may cause you to repent of your friendship *etc.* to me. I will not here give you a long accot. in my own justification but I have desired Francis Yonge Esq. to lay before you severall affidavits *etc.* concerning Rhett and I have fully writt to ye Rt. Honble. ye Commissioners of H.M. Customs concerning him *etc.* I hope there is no person who has the honour to bear any comission from them are guilty of the hundredth part of what he is. He is a haughty proud insolent fellow and a cheating scoundrel as will appear by the affidavits *etc.* The man has been always factious and mutinous in this Governmt. as well under the Proprietors as H.M. He had the impudence and vanity to give out by his few lying creatures that he was to be Governor here. The first report was of his having a Comission from ye Rt. Honble. the Lords Proprietors and that lye failing the other was that I should be turned out and that he should succeed me. He and his few discontented fellows do all they can to raise a disturbance in the country but I thank God they have hitherto failed and I hope they will so continue for he and two or three more of them deserve rather to be hang'd than to have any power. I hear that his son (who 'tis believed will be such another as his father) and one Buck who pretends to be a mercht. (but as I hear something crack'd) have been very buisy in reporting things concerning me but if they or any others have made complaints or accused me all ye favour I desire is that they may be obliged to give it under their hands and good security to answer me at law and that I might have liberty to come home and answer their complaints or accusations. As to my own proceedings either in ecclesiastical civil or millitary I must referr you to the proceedings which are kept on record. I am heartily sorry that the Lords and others who are concerned in the Bahama Islands and other affairs have been so used in this Rhett who is here and old Walker. The first and last have been most notorious for dealing with piratts and in clandestine trade. The affair of ye sloop *Recovery* (an authentick copy whereof was sent to the Agents with Judge Smith's remarks on Ellery's affidavit) by all which I think it will appear that the said sloop was legally tryed and condemned and that Rhett was the cause thereof and if ye Bahama Company have reced. any loss or damage thereby I think they may lawfully recover it of the said Rhett but to cover his own villany in that case he lays it upon

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me *etc.* If after the notice I had thereof I had not proceeded as I did I should not only have broke my oath but likewise the Acts of Parliament *etc.* I think the affairs of ye Bahama Company have been very ill managed (to give it no worse an epithet) by their agents and factors as I suppose they so find by their accots. I have and shall continue to do the said Company all the lawfull service I am capeable of *etc.* P.S. I desire you'll please to give ye humblest of my service to your good Lady and I am most cordially sorry for the very great loss you have had in your virtuous and well accomplished daughter, but I am in hopes that you may have such another and I a niece *etc.* Signed, Fr. Nicholson. 2½ pp. [C.O. 5, 387. No. 33.]

Oct. 16. **318.** Same to the Council of Trade and Plantations. Charles City and Port. So. Carolina. *Acknowledges* letter of 5th July, with very great satisfaction *etc.* *Refers* to papers sent Mr. Yonge *etc.* (v, 9th Feb. 1723). Signed, Fr. Nicholson. *Endorsed*, Reed. 4th Jan., Read 10th July, 1723. ¾ p. [C.O. 5, 358. ff. 340, 341v.]

Oct. 18. **319.** H.M. Letters Patent granting Wavell Smith and Savile Cust the Office of Secretary of the Leeward Islands, 18th Oct., 1722. *Countersigned*, Cocks. *Endorsed*, 3rd March, 172½. Copy. 2¾ pp. [C.O. 152, 15. ff. 235–236v.]

Oct. 22. **320.** Lord Carteret to Governor the Duke of Portland. A Whitehall. great number of merchants trading to Jamaica having represented the great inconvenience, and indeed injustice, which they labour under by reason of many irregular proceedings in the Courts of Justice there, and likewise the loss that will accrue to them by the illegal alteration, wch. has been made with relation to the value of the current coin in that Island, by tendering and receiving pieces of eight of an uncertain weight at the rate of 10 reals, or 6s. 3d. each; I herewith transmit to yr. Grace by the King's command, the inclosed copy of their Representation to H.M., and of a former representation to Sir N. Lawes, concerning the alteration of the value of the coin. Both these Articles of complaint deserve your Graces most serious consideration; and the King directs your Grace to use your utmost care to see proper remedies applied. The trade and credit of the Island will be lost, if this variation of the coin be not rectified. It is a bold attempt, that those, who advised it, have undertaken, being expressly contrary to the Act of Parliament for ascertaining the rates of forreign coins in the Plantations *etc.* The sd. Act was founded upon a Proclamation of the late Queen to the same effect, and was made for the better enforcing the due execution thereof by penalty. And this matter is judged to be of so much importance to H.M.'s subjects trading to the Plantations, that the respective Governors are par-

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ticularly instructed to take care, that the Act above-mentioned be duly observed and put in execution, *etc.* I am commanded to repeat to you, that it is H.M.'s pleasure that you shew the strictest regard to the sd. (41st) Instruction, by reforming these abuses. Yor. Grace will by the first opportunity inform me of what you have done, or can do therein. *Signed,* Carteret. *Annexed,*

320. i. Petition of merchants and planters trading to and concerned in Jamaica to the King. The Supreme Court of Judicature is directed by a law of that Island to be held every three months, which law has been very frequently for some years past evaded by adjourning it from one Session to another without entering into the civil business thereof, thereby depriving suiters of their just relief *etc.* When the Courts have been held all the delays and arts possible have been used and suffered *etc.* to frustrate plaintiffs in the recovery of their just debts *etc.* Injunctions have been frequently issued out of the Court of Chancery without the proper affidavits filed or being within any other of the forms usually observed in your Majesty's Courts of Equity and sometimes even before any bill has been preferred in the Chancery by the party obtaining such injunction. After the plaintiffs at law thro' all these hardships have obtained judgments, they can hardly come at the effect of them by reason the particular writs of execution being prescribed by a law of that country directing the Marshall's proceedings, the defendants find means to engage the Deputy Marshalls to return nulla bona to such writts, and on the plaintiffs application to the Provost Marshall to take the person of the debtor, he excuses himself on pretence there is no publick goal which is tenable where such prisoners might remain secure in his custody. To add to all these discouragements the Trade and credit of the Island labour under, there has some time since been an attempt now grown a practice to introduce an alteration in the value of the current coin in the said Island by tending and receiving pieces of eight of an uncertain weight at the rate of 10 ryals or 6s. 3d. each, and so of other coins in proportion whereby the just creditor is defrauded of more than a fifth part of his debt after having struggled with all the evils above, nor can he avoid it by taking his debt in commodities of the produce of the Island as he is obliged to do by law they being appraised on executions according to such raised nominal value of the present currency of the coin there and accordingly delivered over to the

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Plaintiff in satisfaction of his debt at such rate by the Provost Marshall. *Refer to following protest made by them to Governor Sir N. Lawes*, without obtaining any redress. On the contrary, petitioners are advised that the currency of coin at this raised nominal value has been connived at incouraged and countenanced by the said Governour's receiving and paying sums of money at this raised price, and thereby in danger of being universally spread among the people, notwithstanding your Majesty's Instruction *etc.* *Pray that such pernicious practices may be prevented etc.* *Signed, Peter Godfrey, and 51 others. Copy.*

320. ii. Merchants, factors and traders of Jamaica to Governor Sir N. Lawes. *Protest* against attempts lately made to introduce an alteration in the current rates of coin *etc. as preceding.* The first pretence for this practice was under colour of paying pieces of eight wch. weighed full $17\frac{1}{2}$ dwt. at 10 ryals, or 6/3d. but the payment of money without ascertaining the weight at a higher rate than the currency of the Island has already had such an effect, that even pieces of eight of 15 dwt. have been offered and received at 6s. 3d. Fear the evil will increase and the consequences will be fatal to this Island, as the like measures have already proved to Carolina and other H.M. Colonies in America. If liberty be taken to raise in any degree the value of a piece of eight above what is prescribed by Act of Parliament, no one can be assured where such raising the value of pieces of eight will stop and what is now offered in payment at 6s. 3d. in contradiction to the Act of Parliament may shortly rise to 7s. 6d. or 10s., whereby every creditor will loose $\frac{1}{3}$ rd or $\frac{1}{2}$ of his debt *etc.* and entirely destroy the credit so necessary to be given in this Island *etc.* *Pray H.E. to stop this pernicious practice etc.* *Signed, William Leaver, and 24 others. Copy. [C.O. 324, 34. pp. 196-206.]*

Oct. 25. **321.** A. Popple to Mr. West. Encloses Act of Jamaica, Whitehall. 1721, for vesting certain lands in the parish of St. Thomas in the Vale, in trustees for the use of George Reid Esq. and his Heirs, for his opinion thereupon in point of law. [C.O. 138, 16. p. 427.]

Oct. 29. **322.** Governor Shute to the Council of Trade and Plantations. Acknowledges letter of 16th Aug. and refers to his of Boston, 27th July, and Attorney General's opinion relating to the N. England. choosing of an Attorney General. *Continues:* I must assure your Lordships, as I have often done, that the people here pay little or no deference to any opinion or orders that I receive

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from the Ministry at Home. I also found inclosed [16th Aug.] the petition of Richard Pearce which I will enquire into and send your Lordships a true account how that matter stands. The discount of our paper money still increases, but am in hopes, that the last Act of Parliament, for the encouragement of our trade, will in some time put a stop to this exorbitant discount. Since the break betwixt this Government. and the Eastern Indians our Forces have had more success than usual, they having lost about thirty to our six, tho' the Indians have since burnt about forty empty houses. If the French Governours are permitted any longer to support our Eastern Indians, and their Jesuits to instigate them to break the solemn treaties they make with us, our Eastern Country from whence H.M. Royal Navy is supplied with mast will be in a manner lost. I am humbly of opinion that if the 15th Article of the Treaty of Utrecht was put in execution it wou'd prove the most effectual means to procure a lasting peace in these parts of America and very advantageous to the Crown of Great Brittain. Some delegates from the Five Nations are gone to speake with our Eastern Indians to demand of them the reason why they have so maltreated their Brethren the English. What effect this interview will produce I cannot say as yet, but so soon as it is over I shall acquaint your Lordships. with it by the first opportunity. *Signed*, Saml. Shute. *Endorsed*, Reed. 26th Dec., 1722. Read 27th March, 1723. 2 $\frac{3}{4}$ pp. [C.O. 5, 868. ff. 344, 345v.]

Oct. 30. **323.** H.M. licence of absence from Barbados for one year
St. James's. to Charles Huggins, Clerk of the Court of Exchequer. *Counter-*
signed, Carteret. *Copy*. [C.O. 324, 34. pp. 211, 212.]

Oct. 31. **324.** Council of Trade and Plantations to Governor the
Whitehall. Duke of Portland. Sr. Nicholas Lawes, late Governor, having transmitted to us, 27th April, several Acts passed in Jamaica in 172 $\frac{1}{2}$, which thro' some accident were so rotten and spoil'd as not to be read, we must desire your Grace to send us copies of them by the first conveyance. *Titles given. Continue* :— We have receiv'd no Minutes of Council and Assembly since 8th Feb., 1721, nor Naval Officer's lists of goods imported to or exported from Jamaica since 25th March, 1722. We therefore desire your Grace would transmit to us by the first opportunity the Minutes, Acts or other accots. since that time. We shall be heartily glad to hear of your Grace's safe arrival in your Government. [C.O. 138, 16. pp. 428, 429.]

Nov. 1. **325.** *Same* to the Lords Commissioners of the Treasury.
Whitehall. *Reply* to 28th Sept. Refer to their opinion upon the continuing of the rice of Carolina amongst the enumerated commodities given in their General Report upon the state of the Plantations. [C.O. 5, 400. pp. 151, 152.]

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[Nov. 2.] **326.** Mr. West to the Council of Trade and Plantations. Has no objection to 4 Acts of Mountserratt (*v.* No. 289). *Signed*, Richd. West. *Endorsed*, Reed. 2nd, Read 14th Nov., 1722. $1\frac{1}{2}$ pp. [*C.O.* 152, 14. *ff.* 168, 168v, 169v.]

[Nov. 2.] **327.** *Same to Same.* Has no objection to 5 Acts of St. Christophers. *Signed*, Richd. West. *Endorsed*, Reed. 2nd Nov. Read 7th Feb., 172 $\frac{2}{3}$. 1 p. [*C.O.* 152, 14. *ff.* 174, 175v.]

Nov. 3. **328.** Mr. Cumings to Mr. Popple. I condole with you, ye death of your worthy Father *etc.* *Congratulates* upon succession and *refers to enclosure.* *Continues:* Ther is annually imported here 200,000 yards, of calicoes, and muslins, ye drawback of which will amount to a considerable sune *etc.* I noat, that my letter gave ye first account, to their Lordships of ye insurrection of the Indians, with whome wee shall never live in peaec, untill they are intirly subdued, because of the French missionaries *etc.* The Eastern countrys, if they were well settled, and protected, would be of great service to the Crown, both in ye Fishery and raising of Naval Stores, that country being very fitt for ye planting of hemp, and never can be settled, without regular troops. Our Fishery this year from Christmas, to Michalmas, amounts to 60,000 quintalls, exported to Europe, and from Canso 30,000 quintalls, besides the fish for ye West Indies, and Wine Islands, which is considerable. *Asks for promotion, if his scheme is accepted etc.* *Signed*, Archd. Cumings. *Endorsed*, Reed. 17th Dec., 1722, Read 26th Nov., 1723. 2 pp. *Enclosed*,

328. i. *Same* to the Council of Trade and Plantations. Scheme for maintaining 5 or 6000 regular troops in America for protection against French and Indians and raising of hemp, without any charge to Great Brittain, and the raising of a fund, for the better support of Governours, and Officers, of the Crown, in the Plantations. (i) Drawbacks upon foreign linnens, callicoes, tea, coffee, paper and fruits exported to the Plantations to be taken off. (ii) That ye Stamp duties be expended (*sic*) to the Plantations, which will raise about £30,000 annually, proclama-tion money, and will not be found, as any hardship, it being for their own security. (iii) A duty of £5 per 100 gallons of rum imported to the Continent may raise £25,000 annuall *etc.* (iv-vii) Other excise duties *etc.* proposed. (viii) Whereas great tracts of land are ingrossed in the hands of rich men, and growing in value daily, tho' unimproved, but never taxed for the support of Government, trade being loaded with burdens, and most of the members of the Assemblies on the Continent, being countrymen, are averse to the taxing of land, if any Act of Parlia-

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ment could be obtained, to lay a duty of 6 pence pr. aere, annually on all unimproved lands, it would be a means to dispose of small farmes to be improved by others, which is a great grievance in ye Plantations, and would raise £20,000 annually *etc.* (ix) A grant of 40 acres to be allowed every soldier *etc.* *Signed*, Archd. Cumings. *Same endorsement.* 1 $\frac{3}{4}$ pp. [C.O. 323, 8. Nos. 43, 43. i.]

Nov. 6.
London.

329. Messrs. Huske, Sharp and Bolam, Inhabitants and Traders of New Hampshire, to the Council of Trade and Plantations. H.M. interest has been very much prejudiced by the neglect of Mr. Robt. Armstrong, who is both Collector of Customs and Deputy Surveyor of H.M. woods, by illegal trade as well as the unexampled destruction of H.M. woods, and the constant exportation of mast trees fit for H.M. Navy and all sorts of timber fit for the building of ships in Spain *etc.* Conscious of his known disaffection to the Government, he opposes H.M. loyall honest trading subjects by extorting extravagant sums from them for their clearance from that Port; and giving all desireable encouragement to Commanders of ships bound for Spain, besides seizing and clearing prohibited goods; after receiving a share. He is guilty of perjury, as appears by the Records *etc.* *Signed*, Ellis Huske, Richd. Sharp, Geo. Bolam. *Endorsed*, Reed. 6th, Read 7th Nov., 1722. *Addressed.* 1 p. [C.O. 5, 868. ff. 314, 315v.]

Nov. 6.
Whitehall.

330. Lord Carteret to Governor Hart. Mr. Knight late Secretary of the Leeward Islands having obtained the King's leave to surrender that Office and H.M. having been pleased at my request to grant the same to Mr. Wavel Smith, I shall take it as a favour of you, that you do shew him all due countenance *etc.* *Signed*, Carteret. [C.O. 324, 34. p. 215.]

Nov. 7.
Whitehall.

331. Council of Trade and Plantations to Lord Carteret. Having receiv'd a representation from several merchants and commanders of vessels concern'd in the Fishery at Cango (v. 1st Aug.), relating to the hazards they lie expos'd to from the insults of the French and Indians there, and of ye imminent danger there is that this valuable Fishery may fall into the hands of the French; *enclose copies and refer to representations of* 10th and 25th May and 26th Sept. last *etc.* [C.O. 218, 2. pp. 29, 30.]

Nov. 8.
London.

332. Petition of Thomas Curphey, Clerk, Minister of the Isle of Providence, and Henry White, master of the ship *Hanover* of Providence, in behalf of themselves and the other inhabitants of the Bahama Islands. *Pray* that a proper Seal may be sent over to the Governor, they being much impeded for

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want thereof, certificates and vouchers from thence not being allowed to be authentick in Doctors Commons and other Courts *etc.* *Signed*, Henry White. *Endorsed*, Reed. Read 9th Nov., 1722. $\frac{3}{4}$ p. [C.O. 23, 1. No. 46.]

Nov. 9. **333.** Order of Committee of Council. Referring enclosed Whitehall. petition to the Council of Trade and Plantations, who are to consult with the West India merchants and report thereon *etc.* *Signed*, Edward Southwell. *Endorsed*, Reed. Read Nov. 13th, 1722. $1\frac{1}{4}$ pp. *Enclosed*,

333. i. Petition, from the ship's companies of the *Morning Star* ship and *Good Fortune* brigantine, 14th June, 1722, to Governor Sir Nicholas Lawes. Taken at sundry times by Bartholomew Roberts, the then Capt. of the above-said vessells with another ship, petitioners were forced by him to serve as pirates, until on 18th April, 1721, they ran away from him with above ships in hopes of obtaining H.M. pardon *etc.* *Signed*, in the form of two round robins. *Copy.* 2 pp. [C.O. 323, 8. Nos. 32, 32. i.]

Nov. 9. **334.** Order of Committee of Council. Referring report upon Whitehall. Col. Moody's petition, 29th Aug., to the Treasury *etc.* *Signed*, Edward Southwell. *Endorsed*, Reed. 6th, Read 30th May, 1723. $1\frac{1}{4}$ pp. [C.O. 194, 7. ff. 175, 175v., 176v.]

Nov. 12. **335.** Thomas Tryon to the Council of Trade and Plantations. Sir Charles Cox desires to be heard on behalf of his Threadneedle Street. brother against a petition by the widow of John Frere of Barbados for the President's salary for such time as he was in possession of the Presidentship, when he illegally and arbitrarily withheld the administration from Samuel Cox, *etc.* *Signed*, Thos. Tryon. *Endorsed*, Reed. 12th Nov., 1722, Read 29th March, 1723. 1 p. [C.O. 28, 17. ff. 286, 287v.]

[Nov. 12.] **336.** Separate Returns of the Fishery of Newfoundland, 1722, at Petty Harbour, St. Johns, Quidividi, Torbay, Trepassy, Bay of Bulls, Placentia, St. Maries, Ferriland, Carboneer, Old Parlekin, Bay de Verds, Bonavista and Trinity. *Signed*, by the several Fishing Admirals. *Endorsed*, Reed. 12th Nov., 1722, Read 13th March, 1723. 12 pp. [C.O. 194, 7. ff. 87, 88, 88v., 89, 90, 91, 92, 93-94, 95, 96, 97, 98, 98v.]

[Nov. 12.] **337.** Replies to Heads of Enquiry relating to the Fishery and Trade of Newfoundland. (v. 12th April.) *The Admirals* [? of the ports adjacent to St. John's.—Ed.] answer. (3) Ships do frequently throw out their small ballast in the ports of Bonavista, Trinity, Bay de Verds and Carboneir but not their press stones or stone ballast. (4) In the ports of Bonavista, bay de Verds and several other places Northward of St. John's they are

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obliged to take down their stages to preserve them from being carried away by the sea and ice in the winter season ; they build and repair their stages flakes *etc.* with wood fetched out of the woods and not otherwise. (5) For some years past there have not been a sufficient number of fishing ships, to employ the shipp's rooms, in the ports of Bonavist, Old Parlekin, Bay de Verds, Trinity, Carbonier and other places to the N'ward of St. Johns where shipp's used to fish. (6) Several stages are possessed by the inhabitants of Bonavista, and bay deverds, occasion'd by the small number of ships coming to fish there not being sufficient to imploy the roomes. (vii) Several of the inhabitants do and have possessed ships rooms for several years past occasion'd by the small number of ships arriving yearly. (8) The by-boat-keepers doe not meddle with or possess themselves of any stages, *etc.* belonging to the fishing ships. (9) The byboatkeepers and fishing ships have brought over a sufficient number of fresh men *etc.* (10) There is not a sufficient number brought for or imployed by the inhabitants. (11) They do not know of any person that has cut out or defaced the mark of any boat trainfat *etc.* (11-13) There is no waste of the woods, *etc.* (14) The Admirals do keep journals of the number of ships and preserve peace *etc.* (15) and determine complaints to the best of their judgment. (16) The people seace from labour on the Lords Day. (17) They know not of any strangers or aliens not residing in Great Britain or Ireland that resort to Newfoundland to catch baite or to fish or trade, other then some traders from New England. (19) The inhabitants are chiefly subsisted from England and Ireland having in Bonavista Old Parlequin and bay of Coneeption only about 163 head of black cattle, 70 sheep and 230 swine, they receive some of their live cattle from New England, and also some bread, flower and pork salted. (20) They are wholly supply'd with tackle and manufactures from England. (21) They generally give from £15 to £17 for the season to a boats' master, to a midshipman £12, to a foreshipman £8 to £10, and pay them generally in bills or fish. (22) £100. (23) None. (24) Cutting fuel and ship's timber *etc.*, catching furs, killing seal and making oil of their fat. (25) Several are employed during the winter in killing beavor fox and martin for the fur, they have no trade with the Islander Indians. (26) The fishermen are not annoyed by the inhabitants buildings. (27) No. (28) The flake room generally allowed for one boat is 40 yds. in depth x 20 yds. in front, generally extended in length from the water side up into the land. (29) They do not know. (30) From England and Ireland, and no other place. (31) None, except such as have cleared from England and called in those parts for salt. (32, 33) The Admirals do not know of any such practice. (34) This custom is wholly disuse(d). (35) None, except salt. (37) Of Plantation goods imported directly from thence they know only

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of 6207 galls. rum, 3413 galls. molasses, and 2400 lb. sugar, and that only for the use of fishermen and inhabitants and not to be exported. (38) Very scldom any New England ships come amongst them but go all to St. Johns. (39) There are no taverns or publick houses for entertainment. (4) The inhabitants frequently trust their servants, but rarely to a greater value then their wages. (41) 40s. out and 30s. home, paid in bills or fish. (42) The Admirals know of no such complaints. (43) No. (46) The Admirals will take what care they can to prevent all ill practices in cureing the fish and know not of any abuse of late other then badness of the seasons so that could not dry them sufficiently, they generally use 10 sometimes 11 hhds. of salt to 100 quintalls of fish, their fish taken by the vessells on the banks is generally good this year, as is also their shore fish. (49) The French have not fished at Petit Nore neither do the French on the N.E. end of the Island [to] fur in the winter, but some of the Canada Indians have for some years past came thither to catch fur and have traded with our people. (51) George Skeffington informs that the salmon has been obstructed by the Islander Indians killing some of his men, breaking down his damms, takeing away some of his netts, and robbing him of his provisions, and other necessarys, this happen'd to him last summer, and several times before, but has not met with any obstruction from them this year. *Endorsed as preceding.* 37 pp. [C.O. 194, 7. ff. 99-113v., 114v-116, 117, 120v.]

[Nov. 12.] **338.** Replies to same from the Admiral at St. Johns. *To same effect as preceding, except, (No. 21).* Wages paid by the inhabitants to their servants according as they can agree, and their payment is generally in strong liquors. (23) Many of the inhabitants keep no fishery at all ; but to what boats are kept by them they allow 6 men to each boat, but cannot afford their fish so cheap as the by-boats. (28) As much room as will spread eighty quintals of fish at one time is allowed for one boats room. (33) The boatkeepers here generally hire room of the planters. (34) The Admiral's men are all on wages. (38) The New England men bring great quantitys of rum, sugar, mollasses, tobacco, bread flower and other provisions, which they sell to the fishing ships and inhabitants at reasonable rates for fish, which they sell to the sack ships for Bills of Exchange. (39) The major part of the inhabitants in St. John's keep publick houses, very much to the prejudice of the Fishery ; the erews are trusted on their own credit ; many of them must be left behind if their masters did not redeem them. (40) It is very often so. (41) 50s. (42) It is a great prejudice to the fishery. (44) Knowne of none. *Endorsed as preceding.* 35 pp. [C.O. 194, 7. ff. 121-135v., 136v., 137v., 139, 146v.]

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339. (a) Replies to same, from the Admiral at Placentia. To same effect as No. i, except (No. 10). The inhabitants employ such numbers of green men as the Act directs. (19) They have beef and mutton from New England. (24) furring and repairing fishing tackle. (28) Here is all beech. (34) The Admiral's men are on a quarter part shares, the maintenance of the ship will come to £1000. (35-38) None. (39) There are 8 houses of entertainment, very much to the damage of the Fishery; the crews are trusted on their own credit, a great many must be left behind if the masters did not redeem them. (41) £4. (42) It is almost the ruin of the Fishery. (44) Knows of none.

(b) Scheme of Fishery of Placentia, St. Mary's, Trepassy, Aug. 1722. *Endorsed as preceding.* 40 pp. [C.O. 194, 7. ff. 147-164v., 166, 167, 168, 169, 172v.]

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340. Messrs. Huske, Sharp & Bolam to the Council of Trade Plantations. Repeat charges against Mr. Armstrong (v. 6th and 16th Nov.), which they can fully prove *etc.* *Signed*, Ellis Huske, Geo. Bolam, Richd. Sharp. *Endorsed*, Reed. Read Nov. 13, 1722. 1 p. *Enclosed*,

340. i. Deposition of James Stutley of the sloop *Endeavour* from Cales *etc.* July 9th, 1721. Robert Armstrong, Collector, seized from on board the said vessel, which he released, having a particuar part of it himself, *etc.* *Signed*, John Davis for James Stutley *etc.* 2 pp. *Endorsed*, Reed. (from Mr. Huske). Read 13th Nov., 1722. 2 pp. [C.O. 5, 868. ff. 327, 328v.-330.]

Nov. 13.

Whitehall.

341. Council of Trade and Plantations to the King. Upon petition of Messrs. Curfey & White (Nov. 8). *Recommend* H.M. to order a public seal for the Bahama Islands. [C.O. 24, 1. p. 70.]

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Whitehall.

342. Mr. Popple to Mr. Attorney General. Presses for reply to 14th June. [C.O. 5, 996. p. 118.]

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Custom ho.,
London.

343. Mr. Carkesse to Mr. Popple. *Encloses* following, as the said Act "may be very prejudicial to the trade of this Kingdom" *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Reed. 15th Nov., 1722. Read 4th July, 1723. *Addressed*, $\frac{3}{4}$ p. *Enclosed*,

343. i. Col. Rhett to H.M. Commissioners of Customs. S. Carolina, 16th Aug., 1722. *Refers* to repeal of Act laying 10 p.c. upon all English manufactures, 1718. *Continues*: Notwithstanding, in Dec. 1720, this Governmt. past another law of the same mischievous character wch. laid five p.c. in lieu of ten. This law is more repugnant to the laws of Great Britain than

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the other because it is an imposition and purely points at H.M. subjects residing in Great Britain, for the persons residing in this Province are wholly exempted from paying the sd. 5 p.e. H.E. has given his sanction to several other laws of more dangerous consequence, against which the merchants in London have exhibited their complaints to the Board of Trade, *etc.* *Signed*, Wm. Rhett. *Copy.* 2 pp. [C.O. 5, 358. ff. 268, 269, 269v., 271v.]

Nov. 16. **344.** Mr. Huske to the Council of Trade and Plantations.
London. *Presents* Articles *v.* Robert Armstrong (*v.* 6th and 13th Nov.

(1) Being ready to sail with the *Lancaster* laden with timber for Gt. Britain, I was stopped a month because I would not comply with his unreasonable demands, *weh.* was the same as he extorted from Capt. Bolum. (2) He seized and cleared prohibited goods *etc.* *as* 6th Nov. (3) He suffered great numbers of mast trees to be cut into logs by Benjamin Wentworth, nephew to the Lt. Governor, between Oct. 1721 and Feb. 1722. (4) He has suffered Capt. Archabell Maekphredris and Capt. Henery Sherbon who are near relation to Col. Wentworth, to load *wth.* masts and oak timber for Cales in Spain and has been their pract'ce this seven year. *Signed*, Ellis Huske. *Endorsed*, Reed. Read 16th Nov., 1722. 1 p. [C.O. 5, 868. ff. 331, 332v.]

Nov. 16. **345.** Mr. Sharpe to the Council of Trade and Plantations.
London. In obedience to your Lordships reference I have reconsidered the above charge, and cannot recede in the least *etc.* *Amplifies charges.* Armstrong is a noted Irish Jacobite and said he it was a shame that we must be governed by Germans *etc.* *Signed*, Richd. Sharpe. *Endorsed as preceding.* 1½ pp. [C.O. 5, 868. ff. 333, 334, 334v.]

Nov. 16. **346.** George Bolam to the Council of Trade and Plantations.
London. Mr. Armstrong stopped the *True Brittain*, laden with timber for London, of *weh.* I was then Master, and insisted on £40 beyond the stated fees before he would clear me. I paid £20 *etc.* *Signed*, Geo. Bolam. *Endorsed as preceding.* 1p. [C.O. 5, 868. ff. 335, 335v.]

Nov. 16. **347.** Mr. Willard to Mr. Popple. *Encloses following.*
Secrys. Office in Boston, N. England. *Continues:* I have been delay'd in preparing the copies of the last half year's transactions of the Government by a publick affair on the frontiers on which the Governor and Council were pleased to employ me *etc.* *Congratulates* him on succession to his father *etc.* *Asks* to be supplied with paper from the Board, as Mr. Addington was, "the rather because I found it difficult to get my Stationer's Bill allow'd, tho' it never amounts

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to £8 sterl. in a year." *Signed*, Joseph Willard. *Endorsed*, Reed. 3rd Jan., Read 4th July, 1723. 1½ pp. *Enclosed*,

347. i. Account of powder expended and stores remaining at Fort William and Mary, New Castle, N.H., May 28th, 1721-1722. *Signed*, Jno. Wentworth. *Endorsed*, Reed. 3rd Jan., 1723. 4 pp.

347. ii. Account of stores of war expended and remaining at Castle William, Boston, June 1721-1722. *Same endorsement*. 2 pp. [C.O. 5, 868. ff. 352, 352v., 353v.-355v., 356v.-358, 359v.]

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Boston.

348. Mr. Cumings to [?Mr. Popple]. *Refers to Scheme*, v. Nov. 3rd. *Continues*: No news of our Indians of late our troops are still att the Eastward but no execution done the Indians being retired and wee suppose to Quebeck the Fishery suffered above 20,000 pound this last year by the Indian warr *etc.* The export of Navall Stores to Great Brittain since Christ-mas to this day is, tarr 14404 barrells, pitch 2586, turpentine 4530, oyl 4284. I think wee decrease in the export not near so much as formerly, and I am afraid the late Act of Parliament obleidging the people to make ther tarr of green trees will be a prejudice to the making the quantities of tarr as usuall, for they must goe further into the woods at double the expense *etc.* *Continues*: There is another thing that is a burden to trade in the plantations especially in the West Indies the extravagant fees att the Custome houses *etc.* Proposes that the fees established for the Port of London should be extended to the Plantations *etc.* *Signed*, Archd. Cumings. *Endorsed*, Reed. 3rd Jan. Read 26th Nov., 1723. 1½ pp. [C.O. 323, 8. No. 44.]

Nov. 21.
New York.

349. Governor Burnet to the Council of Trade and Plantations. I now send your lordships all the propositions made to the Indians at Albany by the Governors of Virginia and Pensylvania as well as my own, with the several answers of the Indians: which I hope have laid such a foundation for a good understanding between the several Provinces in their management with the Indians, as will make them look upon us as a much more powerfull people than the French of Canada, while they see us united in our proceedings, whereas the frequent occasions they have had to observe that the Provinces acted upon separate interests, have been ye chief cause of their unsteadiness, and of their fearing the French more than us. The Governour of Virginia having the year before complained to me that the five Nations made frequent inroads into that Province, contrary to their ancient Treatys made at Albany with Ld. Howard of Effingham Governour of Virginia forty years ago, I did then propose that they should not exceed certain bounds in their huntings or warlike expeditions to the Southward, so as to keep clear of Virginia, to which proposal

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the Indians did consent, but expected that the Government of Virginia should send them some person of distinction to renew the Covenant Chain, as they call it, that is, to give them a fine present to refresh their memorys. Upon my acquainting Col. Spotswood with this, he did at last prevail with the Assembly in Virginia to provide for the necessary charge of this Embassy and accordingly came himself to treat with them on this view, first obtaining my approbation with that of the Council of New York, for every single point he proposed. And this is the subject matter of his two days propositions to the Indians and of their answers, in wch. they perfectly agreed to what he proposed *etc.* *Refers to enclosures.* The Governour of Pennsylvania found it necessary to give these Indians a meeting upon an unfortunate accident, of an Indian of the Five Nations being killed in Pennsylvania by a Christian, for whose death he had not sufficient evidence, the offender continued a prisoner till the Indians desired his enlargement, and declared themselves satisfied *etc.* I had likewise received a proposal some time ago from the Government of Boston, that they might send Deputys to treat with the five Nations, in order to engage them against the Eastern Indians, but finding a great averseness in the Council of this Province, that their Deputys should treat with the Five Nations, unless the particulars were first regulated with the Government here, and the Governmt. of New England not agreeing to send Commissioners to treat with us previously upon the Heads to be proposed to the Indians, I found no way but to take this matter wholly upon myself, and I accordingly proposed to the Indians the very terms desired by the Governour of Boston, and have effected the interposition of the Five Nations, by Messengers now gone from them to Boston, and from thence to the Eastern Indians; for which I have the thanks of Governour Shute, for making this affair succeed, when he had little reason to expect it, from the indiscretion of some persons sent to Albany, who attempted to treat with the five Nations of Indians, without the knowledge of this Government, which had raised the jealousy here to that degree, that I had no small difficulty to bring the Council to agree wth. me in that affair, which however I did at last, And this is the main matter that is new in my Treaty with the Indians of the five Nations. I did also enforce what I had recommended to them ye year before, to avoid all dependance on Canada, and hearkning to their emissarys, and to encourage the trade from hence with the far Nations, which has had good success last year, and is in a fair way to increase, there being now a constant Company resident on the Lake Ontorio, and who have in presenee of ye French of Niagara sold goods by our Indians hands for half the value that ye French use to extort, by which they are likely to loose grounds to us in that trade every year. In my last Speech I did in the presence of the two other Governours take notice

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of the present strong union and good intelligence there is between all the Provinces, which shewed itself in their acting in concert in every thing, and that they look'd on themselves as concerned equally in what was done to any one of them ; and so renewed the old Covenant in behalf of the whole British interest, *etc.* *Refers to* enclosure and to his propositions to the river Indians, as we call them, " who live interspersed among the inhabitants, and are not so numerous or warlike as the five Nations and much more under command " *etc.* *Continues* :—When I was at Albany, I expected to have fix'd the Palatines in their new Settlement which I had obtained of the Indians for them, at a very easy purchase, but I found them very much divided into parties, and the cunningest among them fomenting their divisions on purpose that the greatest number might leave the Province, and then ye great tract of land lately purchased, would make so many considerable estates to the few familys that should remain. And with this view they told me that they found the land was far short of what the Indians had represented it to them and that not above twenty familys could subsist there, which I shewed them was a meer pretence, by nameing a tract where 130 familys live and flourish, which by their own confession was less and no better soil than theirs, however since I found it was their humour to undervalue what had been done for them, I thought it best to wait till they should of themselves be forward to settle this new tract, rather than shew too much earnestness in pressing them to it. But as about sixty familys of them desired to be in a distinct tract from the rest, and were those who have been all along most hearty for the Government, I have given them leave to purchase land of the Indians, between ye present English Settlements near Fort Hunter and part of Canada, on a Creek called Canada Creek, where they will be still more immediately a barrier against the sudden incursions of the French, who made this their road when they last attacked and burn'd ye frontier town called Schenectady. The other Palatines have since my return to New York, sent some of their body, to desire a warrant of survey for ye new tract already purchased ; which convinces me that I had done right, in not being too earnest in that affair when I was at Albany. And indeed in my dealings with those people I find very little gratitude for favours done them, and particularly that those who were best taken care of, and settled on good lands by my Predecessor, are the most apt to misrepresent him ; and this is managed by a few cunning persons among them, that lead the rest as they please, who are for the generality a laborious and honest, but a headstrong ignorant people. I have now sent your Lordships one private Act for the sale of some houses and lands, belonging to Gilbert Livingston *etc.* *Hopes* the Board will speedily recommend it for confirmation, " as all the partys concerned, have consented to this

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Act, and it is the only way the debt to the Province can be paid by this Gilbert Livingston, who was late Farmer of the Excise." I will send by next opportunity the other acts passed this session at New York *etc.* *Set out*, N.Y. Col. Docs. V. 655, and on the Palatines, Doc. Hist. N.Y. III, 428. *Signed*, W. Burnet. *Endorsed*, Reed. 4th, Read 10th Jan., 172 $\frac{2}{3}$. 8 pp. *Enclosed*,

349. i. Conference between Governor Burnet and the Five Nations, and the River and Skaghook Indians. Albany, Aug. 27–14th Sept., 1722. *Set out*, N.Y. Col. Docs. V. pp. 657–669.

349. ii. Conference between Governor Spotswood and the Five Nations. Albany, Aug. 29–12th Sept., 1722. *Set out*, N.Y. Col. Docs. V. pp. 669–677.

349. iii. Conference between the Governor of Pennsylvania and the Five Nations. Albany, Sept. 7th–10th, 1722. *Set out*, N.Y. Col. Docs. V. pp. 677–681. *The whole endorsed as covering letter*, 62 pp. [C.O. 5, 1053. ff. 84v., 86–98v., 99v.–102v., 103v.–105v., 106v.–109v., 110v.–120v., 121v.]

Nov. 22. **350.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* complaints against Mr. Armstrong as Collector of the Customs, N.H., as Depty. Surveyor of the Woods in America, and as being highly disaffected to H.M. person and Government *etc.* *Refer* to former letters of 6th Feb. and 22nd Oct. 1719, and 10th May last, "concerning the great necessity of sending a proper person to America, to take care of H.M. woods there." [C.O. 5, 915. pp. 355, 356.]

Nov. 23. **351.** Lt. Governor Hope to Mr. Balaguier. *Acknowledges* letter of June 27th *etc.* *Refers to* letter to Lord Carteret *etc.* *Continues* : I had the Assembly twice together, they were very willing to have made me a present but what they offer'd in the manner my instruction requires was so small that I did not think it worth while of accepting, for I don't doubt but I shal bring them to my own terms befor it long ; in the mean time you must put my Lord in mind to get the 5 p.e. act passed for three years only that I may get some time to put things in order which I find in very great confusion besides the Treasurys being in debt. I have got a vote in favour of Prevcreau to whom I refer you and desire you will take care he don't take Pitt : in short its poor play here but I shall do all for him I can *etc.* I have solicited my Lord in favours of the Capn. as you call him : for there is nothing here in my power to do for him so that if his Lordp. shoud think fitt to have compassion *etc.*, *His name is* John Aytoune and he would be very glad to be a Lieut. *etc.* *Signed*, John Hope. *Endorsed*, Rd. June 27th. N.S. *Holograph.* *Marked*, Private. 2 pp. [C.O. 37, 26. No. 21.]

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Nov. 23. **352.** Governor Nicholson to Lord Carteret. *Recommends*
Charles City to his Lordship's patronage Mr. Arthur Middleton, who fears
and Port, he may have been misrepresented as an opposer of his lordship's
South interest. *Concludes* : I shall as I have endeavoured to do your
Carolina. Lordship all the service I have been capable of. *Signed*, Fr.
Nicholson. 1 p. [C.O. 5, 387. No. 34.]

Nov. 23. **353.** Lt. Governor Hope to the Council of Trade and Planta-
Bermuda. tions. I have had no opportunity of answering your Lordships.
letter of the 14th of June till now. *Refers to enclosures, and*
sends proceedings of the Assembly 25th Sept.—15th Nov. *etc.*
Continues :—I shall leave to your Lordships. to judge by the
description of the country, how far the merits of their petition
is reasonable, and only presume to inform your Lordships. that
it will require some time before that this country can be brought
to raise money for the support of the Government, by other
ways and means *etc.*, the inhabitants being so poor, and the
country producing nothing that will bear being tax'd. I must
therefore join so far with the solicitations of the country, as
to beg of your Lordships. that the 5 pr. cent. Act in question may
be pass'd with the amendment, for the term of three years
instead of 21 years, which I find is the greatest objection your
Lordships. have against that Act, that the Government here
may be in some measure supported ; and that I may have a
little time to put things in some better order, than at present
they are. The Treasury is considerably in debt ; How that has
happen'd, will appear by the publick accounts, when put in
such order as they may be pass'd, which has not been done
for these four years before. Inclos'd is likewise two bills pass'd
the Assembly very requisite for the good of this country, the
one, *to prevent the destruction of palmetto trees, and prevent fraud*
in the measure of platt in these Islands ; and the other, *for renew-*
ing the Act for the greater encouragement of planting Indian
corn etc. Having according to my Instructions, made inquiry
into the shares of land and slaves, belonging to the Governor
and other Ministers, I do find the same shares of land so enjoy'd
as in the Company's time, still in the possession of the Governor
etc. But as for the slaves, there are none of them, that does
appear but four : All the rest to the number of twenty, having
been dispos'd of by the Governor and Council : so that the want
of them, has been supplied from time to time, at the publick
expence. *Refers to enclosed list of persons qualified for Coun-*
cillors and recommends Thos. Parsons to succeed Col. Smith
etc. *Continues* :—I must now beg leave to take notice of to
your Lordships some few particulars with regard to the Con-
stitution of this little Colony. The Court of Chancery consists
of the Governor and Council, where every thing is determin'd
by the plurality of votes : How far that may be consistent with
the design of a Court of Equity in a place like this (where it is

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scarce possible that any cause can come before them, but all the judges must be engaged by relation or alliance, to one of the parties or other) I leave to your Lordships. to judge. But this Court is establish'd by an Act of Assembly. It is the custom here for the Assembly (after being conven'd and qualified according to law) to administer to one another an oath of secrecy, for which I can find no manner of authority, and is of very bad consequence. The Assembly have likewise taken upon them in passing of money bills, to nominate the person who is to receive the same; and have been allow'd to recommend a Treasurer. This I find directly opposite to the 40th Article of my Instructions *etc.* Signed, John Hope. Endorsed, Reed. 11th, Read 26th April, 1723. Duplicate. Original not received. 4 pp. Enclosed,

353. i. Address of the Governor, Council and Assembly of Bermuda to the King. *Pray* that Act to supply the deficiency of several funds *etc.* may be confirmed, it being no way prejudicial to the trade of Great Britain or the Plantations, "but is of great advantage to your Majesty's poor subjects, and do's conduce to the support of the Government here by the present administration whereof we are very happy." Signed, by the Governor, Council (11) and Assembly, Tho. Parsons, Speaker and 26 others. Endorsed, Reed. 26th April. Copy. 2½ pp.

353. ii. A Description of Bermuda *etc.* (i) Geographical. (ii) These Islands are some hundreds in number, but not above 20 inhabited. (iii) The largest, called the Main Island, is divided into eight tribes or parishes, very well inhabited; the houses lying so near, that the whole country looks like one continu'd village *etc.* Description of St. Georges and St. David's, and (v) Castle Harbour. (vi) Climate. (viii) The lying of the fields in this country, seems very much to resemble the waves of a tumbling sea. In most of the bottoms there are ponds, but they are all salt, save one, which by its nature bears the names of Brackish Pond: there is but little fresh water upon these Islands that is good, or can be made use of; but that defect is always supply'd from the Heavens by frequent shower's, which the inhabitants are at great care to preserve in cisterns, made for that purpose. (ix) About 30 or 40 years ago, these Islands abounded with several sorts of fruits, as oranges, lemons, dates, mulberries, pappaus, plantanes *etc.* and pine-apples in particular in such quantities that they loaded their sloops with them but now there's little but the remembrance of them left.

All those trees and plants having been destroy'd by

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blasts and mill-dews ; any of them that remain, seldom bear any fruit. At that time it yielded also considerable quantities of good tobacco, which was of great advantage, but that likewise has fail'd, being for several years successively, eat up by the worm while green the utmost care to prevent it, having no effect : so that now there is little or none made in these Islands. (x) The soil of its self is fertile, light, and thin, in most places not above four inches to the rock. Indian-corn, potatoes, cabbages, and onions, is what is now chiefly planted, as suffering least from the vermine, which for these many years past, has been in such infinite numbers, and of different kinds, that everything has been eat up as soon as it came above the ground. (xi) The inhabitants live chiefly on fish *etc.*, which they are very dextrious in catching, so that many of their outward-bound sloops trust to the success of their fishing, for their sea provisions. (xii) The only thing these Islands subsist by are the cedar and palmetto trees. (xiii) Of the cedar they build their sloops and fishing-boats ; and of the palmetto leaves they make a sort of ware called platt ; as likewise cables for their sloops, and ropes for other uses. (xiv) There is almost always 50 or 60 sloops belonging to these Islands ; all of them sail out in ballast, the country producing nothing fit for exportation, save cabbages and onions, of which there may be to the value of £1000 worth per annum exported : most of them sail for the salt islands, where they take in salt for Virginia, Philadelphia, New York *etc.*, and there exchange it for provisions. Others are employ'd in carrying goods upon freight, from one Collony to another. What money by these means is brought into this place, is generally drain'd away by strangers that import dry goods. (xv) These dry goods are imported by a sort of merchants that retail them out at 100 pr. cent. advance for ready money ; and if they accept of the platt in payment, they advance 50 pr. ct. more, tho' this platt is really better than ready money ; for when it is carried to England, it yields as much sterline, as it costs here of current money, which is 50 pr. ct. worse than sterline *etc.* (xvii) The platt or palmetto ware is only in demand at London, where about £15000 worth may be vended every year. How long it may be in demand is uncertain, and how this place will subsist if it fails, is not to be foreseen. (xviii) The number of inhabitants is 4770 white people, and they generally reckon 3 women for one man upon the Island ; vast numbers of men being carried away by ship-wreck.

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(xix) The Militia at present is 1091 fighting men. They are modell'd into a regiment of two battalions, and into one troop of horse *etc.* Generally speaking, there is about a half of these inrolled men, at sea; and in fair weather, the whole inhabitants are almost all out at fishing; some of them four or five leagues from the shoar. (xx) The natives are a well-look't people, English countenances, but of a browner complexion; tall, lean, strong-limb'd and well proportion'd. They are good seamen, and but too hardy: all of them can swim, and tho' their fishing boats are often overset by violent gusts of wind; yet it rarely happens that any of them are lost. (xxi) The number of Blacks is 3514, which is too many by one half; there being no manner of work to employ them in advantageously. But the inhabitants have a pride in keeping of them; nobody will sell a negroe here, that has been born in his family, but upon the last extremity: so that they multiply prodigiously. No slaves in the West Indies are us'd so well as the negro's are here, which however has one good effect, in relation to the strength'ning of this place; for these negroes are all sensible of the happy situation they are in, and are fitt to be trusted with arms, if this place should happen to be attack'd. They are strong well bodyed fellows, and well fed, and certainly would behave themselves well upon occasion. Most of them are good divers, of which this country has had the experience, to their advantage upon the wrecks. In the infancy of this Settlement, a great deal of ambergreese was found amongst these Islands; and certainly there still is, of that valuable commodity frequently found; But they are now become expert in concealing of it, and disposing of it to strangers *etc.* (xxii) The fishing upon the wrecks, was the first thing that put this country in tollerable circumstances, and enabled them, to provide themselves with very good houses, tollerably furnish'd. But now gold and silver is as little to be seen, as if these occasions had never happen'd. (xxiii) The inhabitants are very neat and clean in their houses, there being great conveniences everywhere for building: For upon all rising ground they find stone within four inches of the surface, which is of such a nature, that it is easiely cut with hatchets, and hand-sawes; and is so poreous, that water thrown upon it, runs through it immediately. Of this stone they make the walls of their houses, and (by cutting of it thinn) very good covering for the roof; for after it has been twice or thrice white-

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wash'd with lime, (which is here very good) and some time exposed to the air, there grows such a scurf upon it, that no weather can penetrate. (xxiv) The Government and (xxv) the Courts *described*. (xxvi) Officers, Provost Marshal, by patent, and a Collector of Customs, who has no salary *etc.* (xxvii and xxviii) The duty upon ships call'd powder-money, and the rent of Crown lands is receiv'd by the Provost Marshal, for which he has 5 p.c. (xxix) The whole publick Revenue never amounted to £900. (xxx) This little Colony, if consider'd in regard to trade, is of very little consequence to the interest of Great Britain; But in regard to its situation, and reputed strength, is of very great consequence in times of war: For all ships homeward bound from the West Indies to Europe must pass within 20 or 30 leagues *etc.*, and as the harbours are very capable of receiving ships of war, and privateers, it is very obvious, the advantage this place may be of to the trade of Great Britain, when at war with France or Spain; and the great disadvantage it wou'd be of, shou'd it happen to fall into the hand of either of these Nations. (xxxi) There are 90 guns in bad enough order mounted, in the forts and at places most accessible by ships or boats; and an Independant Company of 49 men, the greatest security of the Island; for notwithstanding the number of able-bodied men inrell'd (upon a late alarm of a pyrate's being upon the coast) there cou'd not 20 of the Militia be brought together at the Town of St. Georges: for in fair weather all hands are out a fishing. (xxxii) March, April, May, the coasts of these Islands are always frequented by grampus's, which the inhabitants erroneously call whales *etc.* (xxxiii) There is no sea-chart by which a vessel unacquainted can with safety come near the shoar *etc.* *Signed and endorsed as covering letter.* 12 pp.

353. iii. Petition and Remonstrance of the Governor, Council and Assembly of Bermuda to the Council of Trade and Plantations. Nov. 20, 1722. Pray for the confirmation of the Act *to supply the deficiency of funds etc.*, the sums arising thence, though not exceeding £200 pr. annum being of great benefit to the Island, in no ways detrimental to the trade of Great Britain or the other Plantations *etc.* By reason of the present low circumstances of the people, Petitioners cannot fall on any other more unexceptionable way to finish the Governor's house and answer the other purposes of the Act *etc.* *Signed*, by the Governor, Council (11),

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Speaker (Tho. Parsons) and 26 other members of Assembly. *Endorsed, as preceding.* 1 large p.

353. iv. List of persons qualified to supply vacancies in the Council. (i) Capt. Thomas Parsons, Speaker, and one of the most considerable traders here. (ii) Capt. Daniel Tucker, Commander of Queen's Fort, J.P., and of an old family in this country. (iii) Leonard White, junr., son to a Councillor *etc.* (iv) John Darrell, one of the judges, respected for honesty and integrity. (v) Perient Trott, Justice, very much respected. (vi) Capt. Thomas Smith, Commander of the Town Company, a considerable trader and a good estate. *Signed, John Hope. Endorsed as covering letter.* 1 p. [*C.O.* 37, 10. *Nos.* 37, 37. i-iv; and (abstract of letter, with notes for reply), 37, 24. p. 12.]

Nov. 25.
Bermuda.

354. Lt. Governor Hope to Lord Carteret. *Refers to* enclosures and copies of Acts and proceedings of Assembly sent to Board of Trade, "it having been the custom here for the Clerk of the Assembly to send but one copy," *etc.* *Signed, John Hope. Endorsed, Rd. June 7th, 1723.* 2 pp. *Enclosed,*

354. i-v. Copies of *Nos.* 353, 353 i-iv. [*C.O.* 37, 26. *Nos.* 22, 22, i-iii, 23.]

Nov. 27.
Whitehall.

355. Mr. Popple to Robert Dundas, Lord Advocate of Scotland. *Reply to 4th Sept.* Asks for true copy of Sir W. Alexander's grant; the £13 due for sd. copy are ordered to be paid *etc.* [*C.O.* 218, 2. p. 31.]

Nov. 28.
Whitehall.

356. Council of Trade and Plantations to Governor Shute. Having received information that John Wentworth, Mark Hunekins, Archd. McPhedris, Geo. Jefferys and Henry Sherborn Esqrs., five of the Council of N. Hampshire, are chiefly concerned in the trade of carrying masts and other timber to Spain from that Province and have thereby greatly contributed to the destruction of H.M. Woods, contrary to their duty and to the laws in force for the preservation thereof; we desire you would examine particularly into this affair, and lett us know the true state of it by the first opportunity. Upon this occasion, we must remind you of your 8th Instruction, which you have for some time neglected, whereby you are directed to send over to us lists of persons qualified to supply vacancies that may happen in the Council, and we cannot help taking notice that you ought before now, to have informed us that you had appointed Henry Sherborn to be one of H.M. Council in New Hampshire. [*C.O.* 5, 915. p. 357.]

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- Nov. 28. **357.** Mr. West to the Council of Trade and Plantations. Reports in favour of Act of Jamaica *for vesting lands in trustees for the use of George Reid etc.* Signed, Richd. West. Endorsed, Recd. 28th, Read 30th Nov., 1722. $1\frac{1}{2}$ pp. Enclosed,
 357. i. Deposition of James Campbell, member of Assembly of Jamaica in 1721. Deponent never heard any objection to *above* Act *etc.* 17th Nov., 1722. Signed, James Campbell. 1 p. [C.O. 137, 14. ff. 163-164, 166v.]
- Nov. 28. **358.** Lord Carteret to Governor Nicholson. Encloses Whitehall. duplicate of 6th Sept., 1721. *Continues*:—The Spanish Minister represents that the grievances complained of are not yet redressed, and that the Governor of Florida reports that you had received no orders *etc.* You are punctually to follow the orders contained therein, concerning which I hope to receive a satisfactory account from you by the first opportunity. Signed, Carteret. Annexed,
 358. i. Duplicate of 6th Sept., 1721. [C.O. 324, 34. pp. 208, 209.]
- Nov. 29. **359.** Order of King in Council. Repealing Act of Antigua St. James's. *for laying a duty on goods imported etc.* Signed, Edward Southwell. Endorsed, Recd. 6th, Read 30th May, 1723. 2 pp. [C.O. 152, 14. ff. 191, 191v., 192v.]
- Nov. 29. **360.** Order of King in Council. Confirming two Acts of St. James's. St. Christophers *for laying duties on sugar exported etc.* and *for settling* £2000 pr. ann. on Governor Hart *etc.* Signed and endorsed as preceding. $2\frac{1}{2}$ pp. [C.O. 152, 14. ff. 193-194v.]
- Nov. 29. **361.** Order of King in Council. Approving draft of Instructions relating to the Acts of Trade and Navigation for the Duke of Montagu, Proprietor of Sta. Lucia and St. Vincent's. St. James's. Signed, Edward Southwell. Endorsed, Recd. 6th, Read 30th May, 1723. $1\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 123, 123v., 124v.]
- Nov. 29. **362.** Order of King in Council. Confirming 9 Acts of Barbados, 1714-1720. Signed, Edward Southwell. Endorsed, Recd. 6th, Read 30th May, 1723. $4\frac{1}{2}$ pp. [C.O. 28, 17. ff. 290-292, 293v.]
- Nov. 29. **363.** Order of King in Council. Repealing two Acts of St. James's. Barbados, 1720, (a) *For depriving William Gordon, Rector of St. Michael's, of his benefice*, and (b) *for the better regulating the power of Vestries etc.* Signed and endorsed as preceding. $2\frac{1}{2}$ pp. [C.O. 28, 17. ff. 294-295v.]

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Nov. 29. **364.** Order of King in Council. H.M. Chief Engraver of St. James's. Seales is to prepare a proper Seale for the Bahama Islands *etc.* *Signed, and endorsed as preceeding.* 1 p. [C.O. 23, 1. No. 48.]

Nov. 30. **365.** Mr. Popple to Mr. West. Desires his opinion in point Whitehall. of law upon six Acts of Carolina passed June, 1722. [C.O. 5, 400. p. 153.]

[? Dec. 1.] **366.** Mr. Willard to Mr. Popple. *Refers to* letter of Nov. 16. *Sends* Journal of Assembly for Sessions of 30th May and Aug. 8th, 1722, with Acts then passed, and Minutes of Council for six months ending Augt., and Treasurer's accounts for the last year *etc.* *Signed,* Josiah Willard. *Endorsed,* Reed. 1st Feb., Read 4th July, 1723. *Addressed.* $\frac{3}{4}$ p. *Enclosed.*

366. i. Accounts of Revenue by Jeremiah Allen, Treasurer, of the Massachusetts Bay, 31st May, 1721-1722. *Total Receipts,* £96,847 8s. 8½d. *Signed,* Jer. Allen. *Endorsed,* Reed. 1st Feb. 1723. 33 pp. [C.O. 5, 868. ff. 360, 361, 361v., 363-379v.]

Dec. 3. **367.** H.M. Instructions to John Duke of Montagu, Proprietor and Governor of Sta. Lucia and St. Vincents, in pursuance of the Acts of Trade and Navigation. [C.O. 5, 191. pp. 514-580.]

Dec. 3. **368.** Memorial of John Mulcaster, Agent for the Bahama Islands, to Lord Carteret. Governor Phenny has begun a considerable subscription for rebuilding the Church at New Providence and sent to New England for materials. There is no person in Holy Orders to officiate. Above 400 children lately born want baptism *etc.* The Governor and inhabitants have sent over Mr. Curphy to be ordained Priest. He asks for a commission as chaplain of the forces there *etc.* 1 p. *Enclosed,*

368. i-iii. Testimonials to Thomas Curphey. *Signed,* (a) Sam Buck and (b) Fra. Yonge, Agent for S. Carolina, London. (c) Tho. Hesketh, A.M., Nathl. Taubman, A.M. Nov., 1722. 1½ pp.

368. iv. Governor Phenny to the Bishop of London. Recommends Mr. Curphy *as above*, and suggests a stipend of £50 for him from the S.P.G. *etc.* 14th June, 1722. *Signed,* G. Phenny. *Copy.* 1½ pp. [C.O. 23, 12. Nos. 81, 81. i-iii.]

Dec. 4. **369.** Governor Nicholson to Lord Carteret. This is designed (God willing) by Mr. William Hammerton who I found appointed Naval Officer of this Port by your Lordship *etc.* William Rhett senr. complained to the Honoble. Commissioners against him and I suppose it was promoted by William Rhett junr. and 'tis probable that they did not in the least doubt

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but that he would have been turned out in order to have had the nominating one in his room. *Refers him to Mr. Hammerton, and to Francis Yonge* "who will receive by this conveyance papers relating to severall affairs to be laid before your Lordship, particularly the proceedings of Rhett senr. and I hope that it will appear to your Lordship, that he had a fair legall tryall *etc.* and that H.M. interest and service requires his being prosecuted" *etc.* Mr. Yonge hath some directions concerning the fines, forfeitures *etc.* and I beg leave humbly to propose to your Lordship that the fines which are sett by the Courts and not appropriated by any law may be equally divided to H.M. and the Right Honoble. the Lords Proprietors to dispose of as your Lordship shall order and then 'tis probable your Lordships will get more than ever you did before. Mr. Yonge hath writt that there is a prospect about making of silk in this Province that your Lordship and your Uncle the Post Master General are great promoters thereof. My Lord give me leave to say that this is a noble and generous design of your Lordship which may tend very much to the interest of Great Britain and of this Province *etc.* Nothing shall be wanting that in me lyes for the promoting theirow and I thinke I may venture to write to your Lordship that both the Council and the Commons here will readily and chearfully go into any measures that your Lordship shall propose. I beg leave humbly to propose that if your Lordship don't think fitt to lay open the land office in generall that you'l please to give leave that the people may have liberty to settle the farthest front[i]ers and if possible in townships which will be a great strengthning to this country and twill make the land within the townships or plantations of more value *etc.* *P.S.* My Lord as old as I am yet I hope God willing to live to see this Province when the frontiers are well secured the most flourishing of this Continent by their being able to make silk hemp rice tarr and pitch in such a proportion as may be very much for the interest of Great Brittain and this place and the choise of this country is capable of raising great stocks of all sorts and thereby enabled not only to live well themselves but be able to furnish the English Islands in the West Indies and for the promoteing of these things no costs or pains shall be spaired by, *Signed, Fr. Nicholson.* 2 pp. [C.O. 5, 387. No. 35.]

Dec. 4. 370. Mr. Popple to Joshua Gee. Desires in writing "what
Whitehall. you and the other merchants may have to offer upon the pirates'
petition" (v. 9th Nov.). [C.O. 324, 11. pp. 2, 3.]

Dec. 4. 371. Governor Nicholson to the Council of Trade and
Charles City Plantations. *Refers to* letter of 16th day of the last month
and Port. (? Oct.). *Continues* :—Our Assembly are now sitting and by
South this oppertunity is sent to our Agent Mr. Yonge some pro-
Carolina.

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ceedings thereof *etc.* which he will waite upon your Lordships with. This is designed God willing by Mr. William Hammerton, who I found Naval Officer here by a Commission from my Lord Carteret Palatine and therefore continued *etc.* *Recommends* him to the Board, for an account of public affairs *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. 8th Feb., Read 10th July, 1723. 1 p. [C.O. 5, 358. ff. 342, 343v.]

Dec. 4. **372.** Mr. Yonge to the Council of Trade and Plantations. London. *Encloses* papers relating to a Company of Swiss who deserted from the Mississippi Company *etc.* v. Aug. 18. *Continues*: As it is very probable more of them may do the like, about three-score of them formerly attempting to come by land, but being pursued by the French Indians were forced back, Governor Nicholson desires yr. Lordships' commands in what manner he is to proceed in such a conjuncture, those now there are permitted to settle in the country as they think fitt. *Signed*, Fra. Yonge, Agent p. South Carolina. *Endorsed*, Reed. 4th, Read 6th Dec. 1722. $\frac{3}{4}$ p. *Enclosed*,

372. i. List of papers following. 1 p.

372. ii. J. Brands, Captain of the Swiss Company, to Governor Nicholson. On the voyage from Fort Louis to New Orleans the soldiers mutinied, refused to serve in that wretched country, and insisted upon being taken to S. Carolina to surrender *etc.* *Makes* complaint against one of the officers of his Company who wished to throw him into the sea and seize his property. *Hopes* that the Company will be put under arrest and returned to Louisiana or Franec *etc.* Charles Town, 29th Aug., (N.S.) 1722. *Signed*, J. Brands. *French*. $2\frac{1}{2}$ pp.

372. iii. M. Lazoue, Commander of the sloop *Ste. Elizabeth* to Governor Nicholson. *Corroborates preceding*. *Same date*. *Signed*, J. Lazoue. *French*. $\frac{1}{2}$ p.

372. iv. *Same to Same*. Requests that his sloop may be supplied with provisions at the charge of the Mississippi Company *etc.* *No date*. *Signed*, J. Lazoue. *French*. $1\frac{1}{2}$ pp.

372. v. The Swiss Company to Governor Nicholson. Reasons for their desertion. The Mississippi Company have not kept their agreement with us, having only paid us for two months in 18 and we have been obliged to eat roots *etc.* 18th Aug., 1722. 15 signatures. *French*. $\frac{1}{2}$ p.

372. vi. Agreement of the Swiss Company (Capt. de Merveilleux), and the Mississippi Company, with their remarks upon it, showing how the Company had failed to observe their contract and reduced them to extremity and slavery. *Ask for* benevolent treatment at the hands of the Governor and Council of S. Carolina, *French*. 2 pp.

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372. vii. Captain Brands' reply, refuting preceding. Asks for their arms and accoutrements to be restored to him etc. Charles Town. 3rd Sept., 1722. *Signed*, J. Brands. *French*. 2 pp.
372. viii. Commission of Capt. Brands, by the Directors of the Compagnie des Indes, 17th Jan., 1721. *Confirmed*, Feb. 11, 1721. *Copy*. *French*. $1\frac{1}{2}$ pp. and $\frac{1}{2}$ p.
372. ix. Commission of Major of the Swiss Company, 27th Jan., 1721. *Copy*. *French*. $\frac{3}{4}$ p.
372. x. Articles of Agreement between the Swiss Company and the Mississippi Company, Paris, 18th Sept., 1720. *Copy*. *French*. $10\frac{1}{2}$ pp. [C.O. 5, 358. ff. 155v., 156, 157, 159, 161-170, 171, 174-179.]

Dec. 5. **373.** Mr. Yonge to the Council of Trade and Plantations. London. *Encloses* following. *Continues* :—Governor Nicholson desires orders how further to proceed in the business of a reciprocal restitution of what has been taken by the subjects of the Crowns of Great Britain or Spain, after the cessation etc. *Signed*, Fra. Yonge. *Endorsed*, Recd. 5th, Read 6th Dec., 1722. 1 p. *Enclosed*,

373. i. Governor of St. Augustine to Governor Nicholson, Florida, 27th July, (N.S.), 1722. In accordance with orders received from the King of Spain, *asks for* restitution of ships and goods taken after the time agreed upon for the cessation of arms; and desires that he will write to the Governors of the Bahama Islands and Virginia to this effect, and also give notice that orders for similar restitution have been given at St. Augustine. "In the execution of which Royal Orders, I conclude to stop the effects of the coasters, that with their import may make satisfaction for the value justifiable to the subjects by the King of England." *Demands* return of Indians who have been taken prisoners and made slaves of in the plantations of Carolina, and not only of those belonging to this Government, but likewise to the Caraeas and Campechee, which has caused the King my Master great surprise, and wonders your Excellency should suffer them to be sold, and that they were not restored to those parts from whence they were taken etc. *Signed*, Dn. Antonio de Benavides. *Translated*. *Certified by* Tho. Lamboll, Secy. $1\frac{1}{2}$ pp.
373. ii. Pass granted by Governor Nicholson to Capt. Don Sebastian Lopes de Toledo and 15 attendants, who came with a flagg of truce on behalf of the Governor of St. Augustine (*preceding*), "so that he may keep good orders and travell the direct way to St. Augus-

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- tine" *etc.* 8th Aug., 1722. *Signed, F. N. Copy.*
 $1\frac{3}{4}$ pp.
373. iii. List of vessels taken by the Spaniards since the cessation of arms and carried to St. Augustine. 9 vessels. Value, £11,550. Charles Town, 9th March, 1721. *Copy.* 1 p.
373. iv. (a) List of negro and Indian slaves taken in 1715 and carried to St. Augustine: *Total*, 98.
 (b) List of negroes taken in 1720 and 1721. 117. *Copy.* 1 p.
373. v. Minute of Council of S. Carolina, 4th Aug., 1722. The report of the Committee of both Houses was sent up and approved, agreeing to comply with the demands of the Spaniards in restoring all Indians taken by this Government and made slaves of (if any such there be) provided they return all the slaves taken and run away from this Government to any of the King of Spain's Dominions but must be first satisfied that all those brought into this Government and sold as slaves do belong to the Government of Spain *etc.* *Copy. Testified by, Wm. Tunley, Cl. Con.* $\frac{1}{2}$ p.
373. vi. Instructions of Capt. Don Sebastian Lopez de Toledo. (v. No. ii.) He is to demand the return of Indian prisoners, *ut supra*, expressing the King's surprise at the selling and enslaving of the Indians and the ill treatment of Spanish prisoners at Jamaica. Of English vessels *etc.* taken since the cessation, restitution is to be made, especially for four prizes brought in by Capt. Richd. Holland, "which are the only that were taken, and as for others which they say were taken by Nicholas of the Conception, they did not come here, excepting a sloop loaden with flower, the which was returned to the Captain and afterwards bought on the account of the King, the payment of which hath not been yet made by reason, that the persons have not come that are interested in the same. Also there was a frigate returned to them that was taken by Capt. Rendon without any lading" *etc. etc.* St. Augustine de Florida, 3rd Aug. (N.S.) 1722. *Signed, Don Antonio de Benavides. Translation, attested by, Thos. Lamboll, Depty. Secry.* 2 pp.
373. vii. Memorial of Don Sebastian Lopez de Toledo to the Governor, Council and Assembly of S. Carolina, presenting preceding Instructions. *Translation attested as preceding.* 1 p.
373. viii. *Same* to Governor Nicholson. Returns thanks for his kindness *etc.* *Signed, Sebastian Lopes de Toledo. Translation attested as preceding.* $\frac{3}{4}$ p.

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373. ix. Governor Nicholson to the Governor of St. Augustine. Charles City and Port, S. Carolina, 7th Aug., 1722. *Reply to No. i.* "I shall take care to make the Orders referred to public and make inquiry what Indians may be here *etc.* But as these inquiries will take up some time, I cannot at present send you any account" *etc.* Asks that similar enquiries may be made for slaves taken and run away from Carolina. Warns him in future to send a sloop fit to keep the sea in bad weather, and not an open boat, which might be driven into one of the harbours of the Province, contrary to the advice sent by the last boat, and the occupants thereupon ill used *etc.* Signed, Fr. Nicholson. Copy. 2¼ pp.

373. x. Order by the Governor of St. Augustine for the dispatch of Don Sebastian Lopez on above mission. 1st Aug. 1722. Signed, Don Antonio d'Benavides. Translation, attested by, Thos. Lamboll. 1½ pp. [C.O. 5, 358. ff. 183, 184-185v., 186-187, 188, 189-190, 191, 192-193, 194, 194v., 195v.]

Dec. 7. 374. Mr. Popple to Mr. Yonge. Asks for an account of Whitehall. the annual production of rice in Carolina. [C.O. 5, 400. p. 155.]

Dec. 7. 375. Council of Trade and Plantations to Lord Carteret. Whitehall. Enclose copy of letter and papers from Sir N. Lawes (20th Sept.) *etc.* The loss the inhabitants have sustain'd [by the hurricane] is so great that they are utterly unable to put the Island in any posture of defence without H.M. gracious assistance. We must therefore intreat your Lordship to lay this matter before H.M. for his royal pleasure thereupon. Autograph signatures. 1¾ pp. Enclosed,

375. i. Copies of letter, and papers Sept. 20, Nos. i, ii, iii, and v. [C.O. 137, 46. Nos. 39, 39 i.-v; and (without enclosures) 138, 16. pp. 431, 432.]

Dec. 7. 376. Mr. Harris to Mr. Popple. I have consulted divers Tower Hill. of the most considerable traders to the West Indies who as well as ye Offices of Assurance and most others in trade are clear of opinion that the soonest endeavours should be used to get the pirats (v. 9th Nov.) called in or pardoned *etc.* I think it my duty to signify the above that their Lordships may know our thoughts in ye City *etc.* Signed, Rd. Harris. Endorsed, Reed. 7th Dec., 1722, Read 8th Jan. 1722½. ¾ p. [C.O. 323, 8. No. 35.]

Dec. 8. 377. Governor Burnet to Mr. Popple. Encloses Naval New York. Officer's list of ships "trading inwards and outwards," March-

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Sept. 1722, and duplicates of his two last letters *etc.* *Concludes* : I hope soon to have the confirmation of the Councillors for Jersey and New York whom I had recommended. *Signed*, W. Burnet. *Endorsed*, Reed. 19th Jan., Read 4th July, 1723. *Holograph.* 1 p. [C.O. 5, 1053. ff. 131, 132r.]

Dec. 8. **378.** M. André Roner to [?Lord Carteret]. Submits following memorial received from M. Fischer de Reichenbach, member of the Grand Council of Berne, to his Lordship, as one of the principal Lords Proprietors of Carolina *etc.* *Signed*, André Roner. *French.* 1 p. *Enclosed*,

378. i. A Company having been formed of the richest and leading families of Berne to establish Swiss Colonies in America, it is desired to know whether, in consideration of the advantage of a powerful colony of people accustomed to farm work and reckoned amongst the best soldiers in Europe, the Lords Proprietors would grant them the following inducements : (i) If they are willing to sell a considerable tract of land with full propriety and jurisdiction, save for an annual homage. (ii) to grant exemption from all charges except the obligation to serve, by the Governors orders, for the defence of the Province. (iii) the liberty to build towns and ports as the Company shall deem necessary, without being obliged to receive any garrison upon any pretext except when it requires one. Berne, 1st Dec. N.S., 1722. *French.* 1 p. [C.O. 5, 387. Nos. 36, 36. i.]

Dec. 8. **379.** Lord Carteret to the Council of Trade and Plantations. Whitehall. The Marquis de Pozo Bueno, the Spanish Minister, hath represented that the King his Master hath received advice from the Governour of Florida of a new fort now building by order of the Governour of Carolina in the Tamoia and the mouths of the Talage, 33 leagues distant from the Castle, commonly called the Fort of Florida ; that the said new fort is already garrisoned with fifty soldiers, though it be not yet compleated, and hath only five cannons mounted, according to the information given by an officer of Florida, who was sent to view it, and was denied entrance into it by the English Commander ; and that the said Governour of Florida having sent to the Governour and Assembly of Carolina, to demand the reason of building this new fort, he was answered, that they had his Britannick Majesty's commands to secure his Dominions by forts and Colonies, in the best manner they were able. The said Minister having further alleged, that the fort complained of is building in a territory belonging to the Crown of Spain, and having made instances, that the same should be demolished, and no other built there for the future ; H.M. hath commanded me to signify his pleasure

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that you examine into this matter, and report the true state thereof. *Signed*, Carteret. *Endorsed*, Reed., Read 12th Dec. 1722. 1½ pp. [C.O. 5, 358. ff. 198, 199v.]

Dec. 10.
London.

380. Mr. Yonge to Mr. Popple. *In reply to* Dec. 7th, *encloses* account of exports from Carolina for three years last past, "by which their Lordships may see, how that Collony does increase their produce every yeare, since in 1719 was ship't off but 13,623 barlls. rice, whereas from Dec. 1720 to Oct. 1721 they ship't off 21879 barls. *etc.* They did this yeare expect to have made near 40,000 barls. if the misfortune of its being drown'd by the late floods had not prevented it *etc.* Wee may acct. every barlls. contains 400 lb. nett rice *etc.* *Allowing* 800 barls. for home consumption, *gives* an average annual production of 4607 tons. *Continues*: This is very far short of what they might make, if the marketts did encourage it, which of late years they have been so far from doing, that rice has fallen from 25s. to 15s. the cwt., whereof 10s. at the least is for duty and freight, so that after commission, insurance, warehouseroom, cooperidge, and other petty charges are paid, I dare affirm, the planter does not receive 2s. 6d. a cwt., which I humbly presume their Lordships will not think a sufficient incouragement for the planting it, especially when they please to consider that every cwt. rice sold to a forreign market is as much money as the nett produce of it, in the favour of this Kingdom. *Refers to* their application for the removal of the enumeration of rice to Spain and Portugal *etc.* *Signed*, Fra. Yonge. *Endorsed*, Reed. 10th, Read 12th Dec. 1722. 2½ pp. [C.O. 5, 358. ff. 200, 201v.]

Dec. 10.
St. James's. **381.** H.M. Commission to Thomas Curphy to be Chaplin to the Independent Company of Foot in the Bahama Islands. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. p. 210.]

Dec. 10.
Jamaica. **382.** Governor Sir N. Lawes to the Council of Trade and Plantations. *Refers to his account of the storm, Sept. 20th.* *Continues*:—Ever since that time the country has been very siekly, which I believe in great measure proceeds from the cold the inhabitants received, most of them having been exposed to the extremity of the weather, tho' I cannot say that everything considered wee have lost many of the season'd inhabitants *etc.* It is a particular pleasure to me that at the close of my Government, I have it to represent to your Lordships in order to be laid before H.M. that this Assembly have with great cheerfulness and unanimity gone through most part of the business I recommended to them as will appear more particularly by the ten Acts which they have pass'd and I consented to and which comes herewith vizt. : An Act for establishing a perpetual anniversary fast on the twenty-eighth of

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August. I am persuaded your Lordships can have no objection against H.M. giving his Royall assent to this Act for those who have been eye witnesses to that terrible day will undoubtedly have it always in remembrance and pay their devotions accordingly. (ii) An Act *to impose dutys on severall commoditys and applying the same etc.* This Act differs little in substance from Acts of the like nature formerly pass'd, except that there is a duty of 10*l.* p. head laid upon all convicts which shall be imported into this Island dureing the continuance of this Act. This clause is not at all unreasonable for wee have found by fatal experience that the country have suffered considerably by those sort of loose persons who have been imported here by some people for their private interest and gain *etc.* The money arising by virtue of this law is to be collected and paid into the hands of H.M. Receiver General, which is conformable to H.M. Instructions. (iii) An Act *for fitting out a sloop for guarding the sea coast etc.* The Country are so sencible of the benefit and advantage that such a sloop has been to the Island by continually guarding our coasts from pyrates that altho' the maintaining such a vessel in pay is a very great charge to the Island (especially at this juncture) yet the country have thought it necessary to keep such a sloop in pay for 12 months longer to which I cou'd make no objection seeing H.M. ships station'd here have not been thought altogether sufficient for that purpose. (iv) An Act *to oblige the severall inhabitants to provide themselves with a sufficient number of white people etc.* In most respects of the same nature with that past last year *etc.* (v) An Act *to appropriate severall sums of money to severall uses.* This indeed is an Act which I have often press'd and long wish'd for, and I cannot say but this Assembly have cheerfully gone into it. It prescribes a remedy for collecting many outstanding debts due upon severall money bills from 1711 to this year, and appropriates the same towards the payment of my salary, the Cheif Justices, and for the reception of his Grace the Duke of Portland, and the residue of the money arising by this Act is thrown into the King's Revenue which I am in hopes will amount to a considerable sum, if the means of collecting of it is not obstructed by the death and often removal of Churchwardens and Constables who have formerly been intrusted by the severall Acts for collecting and receiving the same, but all possible endeavours shall be used to render the Act effectual. (vi) An Act *for preventing the frauds and regulating the abuses in trade.* This Act cheiffly relates to some abuses committed by the importers of lumber from the Northward Plantations, and by Bristoll super cargoes that import great quantitys of bottled liquor that does not contain near the quantitys they are sold for and as this is a law design'd only to rectifye such frauds, I cou'd not well deny giving my consent to it. (vii) An Act *for laying out a road from a place call'd the Cave in the parish of*

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Westmoreland over the mountains to the N.E. part of the same parish or the W. end of St. James's as the Commissioners shall think most convenient. The title of this Act explains the meaning of it, and the King's Prerogative being no ways injur'd thereby nor the property of the subject any waies concern'd and it containing only what the parishioners of the two parishes mention'd have themselves desired, I readily gave my consent to that bill. (viii) *An Act for settling the North East part of the Island.* From all former representations to your Lordships of the scituation of this part of the Island it must evidently appear that the settling, strengthening and securing thereof would very much tend to the strength and security of the whole Island, and I cannot say but this Act tho' it may be lyable to some few objections yet the general good consider'd, it is less obnoxious and gives greater encouragement than any heretofore pass't of the like nature. I therefore recommend it to your Lordships to be laid before H.M. for his royall approbation. (ix) *An Act for repairing the road leading from the Boggwalk Plantation in the Parish of St. Thomas in the Vale, to the Angel River in the parish of St. Catharine.* This road was intirely stop't up by the late storm and as it was a thoroughfare to severall parts of the country so it has been adjudg'd necessary to have the same laid open again which could not be done so well by any other method as by a law for that purpose, to which I had no manner of objection the same continuing in force only for 12 months. (x) *An Act for encourageing the speedy settling of the Plantation commonly called Pero or Pera Plantation at Port Morant etc.* The party concern'd, who married the heir of Sr. Thomas Lynch will I presume attend your Lordships etc. I had no other motive of giving my consent to this bill than for the encouraging the settling that part of the country where the said Plantation is scituate. Those are all the laws that came to any maturity this Sessions. The Assembly did indeed pass a bill for making the present Revenue perpetual. But as no addition was made to it to what it is now and the preamble thereof, in my judgment, being conceiv'd in an uncommon stile, I was not sorry that the Assembly by their message of the 4th instant desired me to give them a recess before the Council had time to consider of that bill, and I was willing to gratifye the Assembly in their request seeing they had so cheerfully gone through the other publick business recommended to 'em and that the present circumstances of most of their plantations really required their attendance on their estates. I am in great hopes that from the unanimity they have shewn this Sessions a little time more may convince them that what the King desires of them is only for their own good, and that at their next meeting they will seriously consider on proper methods of making such an addition to the present Revenue as may answer the annual charge of the Government without putting

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H.M. upon any extraordinary methods for that purpose, and if they do this I have assur'd them they need not fear of having any rights or priviledges confirmed to them they in justice can desire ; I now heartily long and wish for the arrival of my successor, but I am afraid his Grace will not find the country in a condition to answer his expeetations. Your Lordships will please to pardon my sending these dispatches by a Bristoll ship but as it is the safest opportunity that has occur'd since I writt to you last and not knowing whether another conveyance would offer during my Government, I was willing to lay hold of the present *etc.* P.S.—It was impossible to get the Minutes of the Council and Assembly ready to be sent by this conveyance but they shall follow by the next opportunity. *Signed, Nicholas Lawes. Endorsed, Reed. 8th Feb. Read 29th March, 1723. 7 pp. [C.O. 137, 14. ff. 184–187v.]*

Dec. 11.
Whitehall.

383. Council of Trade and Plantations to the King. *Representation upon Act of Jamaica for vesting lands in trustees for the use of George Reid etc. (v. 25th Oct.).* George and John Reid having agreed to make an exchange of some lands in Jamaica, George Reid did actually convey a parcel of land particularly mention'd in this Act unto the said John Reid and his heirs ; But John Reid happening to dye, leaving his only son and heir a minor, before he had convey'd the parcel of land agreed to be convey'd by him unto the said George ; This Act is to vest in Trustees for the use of the said Geo. Reid and his heirs, the lands so agreed by the said John Reid in his lifetime *etc.* ; And altho' there is not inserted in this Act the clause requir'd by your Majesty's Instructions to your Governor to prevent its taking effect till confirm'd by your Majesty, yet considering that by the very words of the Act, the heirs of John Reid only are barr'd by it, and the elaim of all other persons to the lands therein mention'd, is preserv'd, we humbly lay the said Act before your Majesty, for your Royal confirmation. [*C.O. 138, 16. pp. 432, 433.*]

Dec. 11.
Whitehall.

384. Council of Trade and Plantations to Lord Carteret. We have receiv'd from Genl. Nicholson several papers in relation to the demands of the Spaniards at St. Augustine, and to the making a reciprocal restitution between the English and Spaniards of what vessels and slaves have been taken from either side since the cessation of arms ; But as we are entirely ignorant of the orders that have been sent upon this subject, we cannot be capable of judging how far they have been comply'd with, and therefore inclose to your Lordp. copies of the said papers for your information. *Autograph signatures. 1 p. Enclosed, 384. i–vii. Duplicates of Nos. 373 i–vii. [C.O. 5, 382. Nos. 34, 34. i–vii ; and (without enclosures) 5, 400. pp. 155, 156.]*

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Dec. 12.
New York.

385. Governor Burnet to the Council of Trade and Plantations. I am now to give your Lordships an account of the last meeting of the Assembly of the Province, which met on the last day of May, and proceeded on business till the 7th of July, when the pressing occasions of the members to attend their harvest, made it impracticable to detain them till the business of the Sessions was over, and so I consented to an adjournment till the end of September, and then they met and finished the business before them, which produced the fifteen following Acts (i) An Act for the further and more effectual prohibiting of the selling of Indian goods to the French. This Act is very severe, and directs an oath to be tendered to any suspected persons, that they have not traded with the French of Canada, under a penalty of £100 if they refuse to purge themselves by this oath. The reason of this severity was because it was evident, that the increase of the trade and power of the French in Canada, was chiefly owing to our supplying them with goods fit for the Indian trade, and that all that contributed towards such supplies to the French, were directly undermining the safety of this Province, and giving away our interest with the Indians to the French. Which by my Instruction is forbid, as of fatal consequence to the British interest. This being therefore no less than betraying our country to a dangerous neighbour, who pretends an ancient right to what we inhabit, it was thought that a law of the same nature with those which are made for the security of the Government, was a proper method to prevent this growing evil, since the most severe of another kind had been found ineffectual *etc.* *Enumerates and comments on the other xiv acts*, including an Act for raising £500 to encourage a trade with the remote nations of Indians, and for securing the Five Nations in H.M. interest, and £320 for repairing the fortifications on the frontiers *etc.*, which is all I can persuade them to apply to that service, unless the Act for two per cent. on European goods meets with H.M. approbation *etc.* *Encloses Minutes of Council, 24th June–8th Sept., 1722. Set out, N.Y. Col. Does. V. 682. Signed, W. Burnet. Endorsed, Recd. 30th Jan., Read 4th July, 1723. 7½ pp. [C.O. 5, 1053. ff. 127–130v.]*

Dec. 13.

386. Address of the Chief Justice, Judges, Justices of the Peace and Grand Jury of Barbados to the King. St. Michael's Town, 11th–13th Dec., 1722. *Express gratitude* for the easy access and ready relief they have met with in their applications to the Throne. Of late years no part of the 4½ per cent. duty on produce exported has been applied to any of the uses for which it was raised, (such as building a Sessions House and prison, repair of fortifications *etc.*), except the payment of the Governor's salary. The house at present made use of for a prison is in a ruinous condition. The unseasonable weather

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with which Providence has of late years visited this Island and other incidental calamities have reduced it to the lowest ebb and rendered H.M. loyal subjects utterly unable to redress these evils by any fresh tax. *Pray H.M.* to direct that the duty of $4\frac{1}{2}$ p.c. may be applied to the uses for which it was raised, and that a prison and a house for the publick meeting of the Sessions and Council may be built out of the produce thereof. 35 signatures. *Endorsed*, Recd. 1st July, 1723, from Sir Charles Cox. 1 large double p. [C.O. 28, 44. No. 63.]

[Dec. 13.] **387.** Memorial of John Hyde and other merchants to the Council of Trade and Plantations. In case H.M. shall think fitt to signifie by Proclamation his gracious pardon to the pirates *referred to 9th Nov.* and such others as shall conforme to the conditions in such Proclamation to be incerted, we think H.M. grace will prevent many mischeifs *etc.* *Signed*, John Hyde jr. and 26 others. *Endorsed*, Recd. 13th, Dec., 1722, Read 8th Jan., 1723. 1 p. [C.O. 323, 8. No. 34.]

Dec. 13. **388.** Council of Trade and Plantations to Lord Carteret. Whitehall. Having receiv'd from Mr. Stevenson, Agent for Jamaica, the original Address from the Governor and Council there, to H.M. in relation to their late misfortune, (a copy of which we sent your Lordship, the 7th inst.), we inclose the same in order to its being laid before H.M. [C.O. 138, 16. p. 434.]

Dec. 14. **389.** Mr. Popple to Mr. West. Encloses Act of Carolina, Whitehall. *for the good government of Charles Town*, for his opinion in point of law. [C.O. 5, 400. p. 157.]

Dec. 18. **390.** Lt. Gov. Sir Wm. Keith to the Council of Trade and Pennsylvania. Plantations. I am encouraged by the honr. which I lately receiv'd of your Ldships letter dated the 5th of last July, to lay some particulars befor you relateing to the present state of trade and commerce in this Colony *etc.* The number of people may be computed to above 40,000 souls amongst whom we have scarce any blacks except a few houshold servants, in the City of Philadelphia where I judge there may reside about 10,000 of the aforesaid number, and yet the City appears to be much too smal for to consume and exchange or vend the industry and produce of the country, which chiefly consists in grain such as wheat, barley Indian corn and rye, bceff, pork, a very little coarse tobacco and some hemp and flax. Most of this produce is manufactured and pack'd reddy for shipping, at the country mills into casks of flower bread *etc.* and all's brought to town in carts or river shalloops and sold to the mercht. upon the wharfe for reddy money: This with the addition of hoops staves and lumber being exported in our own bottoms chiefly to the Islands in the West Indies, we receive in

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return as much rum sugar and mollasses as we consume, and when money there is plenty, a very considerable ballance in cash wherewith we purchase bills of excha. from Virginia and Maryland, and send the rest home in specie to ballance the acct. with Great Britain from whence we have all our necessary cloathing apparel and luxury, and as we keep ourselves after this maner clear of debt to England without employing our people in any woollen or linnen manufacture, it is evident that our commerece is profitable to Great Britain as well as necessary to the sugar Plantations; and no doubt yr. Lordships have often had occasion to observe, that as in the tobacco and sugar Colonies, the planting interest simply is there to be encouraged without regard to any trade or more complicated commerece abroad, so in these Colonies which cannot produce any immediat and profitable return to Great Britain, it is convenient that the people be employed in raising necessary provision of bread for the others, after such a maner and to such an advantage as will create a needfull ballance of cash in their favour to purchase cloathing *etc.* from England, and I humbly conceive this is the most natural, and ever will be the most effectual method to divert and prevent us from entering upon any European manufactures which may interfier with the staple interest and trade of Great Britain *etc.* The people of this place are just now in a very great ferment on acct. that for some time past their usual trade has stagnated for want of a sufficient curreney of cash amongst themselves whereby to exchange the produce of their labour according to their accustomed maner of bussiness. The farmer brings his provision to market but there is no money to give for it, the shipbuidler and carpenter starve for want of employment, and we sensibly feal that our usual export decreases apace, the interest of money is high, and the usurer grinds the face of the poor so that law suits multiply, our goals are full, and we are justly apprehensive of falling into debt, which we have happily avoided hitherto. Under these circumstances, the clamor is universall for paper money, so that if the Assembly which is to sit the last day of this month should happen to take that turn, it will I conceive be absolutly necessary for me to comply with their desires, and indeed so long as we have not yet any public debt worth nameing, I am of opinion it may be done with more safety now than afterwards when the usual funds will probably be overcharged and not able to sink the paper, which has been the case both in New England and Carolina. The example of our neighbouring Province New York, demonstrats that paper creates a more current and reddy sale of their product which is the very same with ours, for when English or West India goods imported are sold here for paper, it obliges the mercht. to export bread and flower, in order to find cash where it is to be had, and as I have said befor, it's absolutly necessary to encourage that exportation, else our

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people will of necessity fall into the manufacture of their own cloathing, which I conceive is a principal part of my duty in H.M. service here to prevent by all possible means. I observe that the lawyers and a few rich usurers here are violently bent on opposing the people's inclinations to paper money, but both merchant and farmer cry out incessantly for such a quantity at least as will serve to transact the necessary bussiness between them, and since that may probably be granted by an Act of Assembly which will of course be transmitted for H.M. Royal assent, I thought it necessary that your Lordships should be advertized beforhand of the true state of the case *etc.* *Signed*, W. Keith. *Endorsed*, Reed. 5th Feb., Read 13th June, 1723. 3 $\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 125-126v., 127v., 128.]

Dec. 20. **391.** Order of King in Council. Confirming Act of Bar-
St. James's. bados, 1720, *appointing security to be given by appellees*, this Act "having been perused and considered by the Lords of the Committee of the Privy Councill, as well as by the Lords Commissr. of Trade and Plantations and H.M. Attorney Generall, and presented by them to this Board, as highly reasonable and just" *etc.* *Signed*, Edward Southwell. *Endorsed*, Reed., 6th, Read 30th May, 1723. 2 pp. [C.O. 28, 17. ff. 288, 288v., 289v.]

Dec. 20. **392.** Lt. Governor Drysdale to the Council of Trade and
Wms. Burgh. Plantations. The few opportunities there are of writing from hence in the latter season of the year, has prevented till now my doing myself the honr. of beginning with your Lordships Board that correspondence which H.M. service, and the duty of my office requires. I arrived here on the 25th of Sept. and on the 27th the Councell mett, when my Comission was published, and I took the usuall oaths. The publick transactions since, have been so little remarkable, that I need not enlarge upon them, and shall but briefly mention those that are most materiall: which are, the dissolving the Genll. Assembly called by Coll. Spotswood, and issuing writts for a new one, as I understand has been usuall here, upon the arrivall of a new Governour, and the proroguing the same to the 9th of May next, as your Lordships may observe by the journalls of the Councell and proclamations which goe herewith. I find the inhabitants of this Colony have very much at heart and are extreemly sollicitous to know what success attended the petition of the generall Assembly in the year 1720 praying a remittance of the quit rents for the new frontier counties, *etc.* (v. C.S.P. March 22, 1721). Great quantities of lands have been entered for in these new counties, in expectation of having the favour of those concessions granted to them: but now they seem to neglect proceeding on their intended settlements, being discouraged by the long delay made to their humble supplications, and

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apprehending a denial; the Councell on their meeting, were unanimously of opinion, that the proposed exemptions will in the consequence prove beneficiall to H.M. Revenue, as well as the generall security and encrease of the trade of this country, and accordingly they have directed the Sollicitor of the Colony affairs in England to renew his application to H.M. and to offer the reasons *enclosed etc.* (v. *encl.* No. ii). Your Lordships will also observe on the Councell journalls that the Sollicitor is likewise directed to apply to H.M. for his royall approbation to an Act passed in the same year, 1720, for the better payment of H.M. Qtt. rts. This Act together with the petition of the Assembly being prior long to my appointment, *etc.*, I only crave leave to observe that the Act is looked upon here as a beneficial law, for the interest of the Crown, and the granting the contents of the petition would give intire satisfaction to the inhabitants of this Colony. Collo. Spotswood did not return from his negotiations at Albany with the five Nations till the latter end of October; the journall of his transactions there not being yet compleated, I shall forbear troubling your Lordships with any part of that Treaty till I am enabled to transmit the whole, wch. I hope may be by next conveyance. Sometime before my arrivall here, a discovery was made of an intended insurrection of the negroes in two or three counties. Divers of the ringleaders have been taken upp and tryed, others are continued over in prison, till next Genll. Court, in expectation of further prooffe: the design of these slaves was to cutt off their masters, and possess themselves of the country; but as this would have been as impracticable in the attempt as it was foolish in the contrivance, I can foresee no other consequence of this conspiracy than the stirring upp the next Assembly to make more severe laws for keeping their slaves in greater subjection *etc.* *Encloses* journall of House of Burgesses which began to sitt on the ninth day of May, 1722, with a duplicate of all the Acts made by them during their Session; with an account of H.M. Revenue of 2s. p. hhd. ending the last half year, whereby your Lordships will observe how large a ballance there remains for defraying the necessary charge of the Government *etc.* The Colony is at present in perfect tranquillity *etc.* *Signed*, Hugh Drysdale. *Endorsed*, Recd. 15th Feb., Read 13th June, 1723. *Holograph.* 4 pp. *Enclosed*,

392. i. Account of H.M. Revenue of 2s. pr. hogshead, *etc.*, 25th April—25th Oct., 1722. *Totals:—Receipts*, (including balance brought forward £2394 17s. 10 $\frac{3}{4}$ d.) £5890 19s. 7d. *Expenditure*, £1888 15s. 8d. *Signed*, John Grymes, Recr. Genll. *Audited by*, Nathl. Harrison, Depty. Audr. *Endorsed as preceding.* 2 pp.

392. ii. Reasons for the better securing the frontiers of Virginia by exempting settlers of the two late erected counties from the purchase of rights and payment of

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quit rents. *Referred to in covering letter. Same endorsement.* 6 $\frac{1}{4}$ large pp.

392. iii. Proclamations by Lt. Governor Drysdale, (a) continuing officers civil and military. 27th Sept. 1722. (b) Dissolving the Assembly, 16th Oct., 1722. (c) Proroguing the Assembly to 9th May, 1723. 3rd Nov., 1722. *Same endorsement. Copy.* 2 $\frac{1}{4}$ pp. [C.O. 5, 1319. Nos. 21, 21. i.-iii.; and (Nos. i and iii only) 5, 1337. Nos. 25, 26.]

Dec. 20.
Whitehall.

393. Council of Trade and Plantations to Lord Carteret. *In reply to 8th Dec., enclose following, to be laid before the King. Concludes :* We have couch'd this report in as short and general terms as possible, presuming the same may be communicated to the Spanish Ambassador, whereby we have reserv'd to ourselves an opportunity of applying such particular proofs arising from Charters and otherwise as we are already masters of, as well as those we may further discover for the affirming of H.M. undoubted title to the land on which the fort is built, and we were the rather induc'd to take this method, because H.M. being in possession it will certainly be incumbent on the Spaniards to produce proofs of their title before H.M. can be under any necessity of justifying his own right. *Autograph signatures.* 1 p. *Enclosed,*

393. i. *Same* to the King. In obedience to your Majesty's commands of the 8th inst., we have considered the complaint of the Spanish Ambassador, relating to the Fort lately built at the Tamoia and the mouths of the Talage; by which we presume he means the Fort lately erected by your Majesty's order at the embouchure of the Alatomaha; Whereupon we humbly beg leave to represent to your Majesty, that in 1720, your Majesty having receiv'd complaints of great disorders in South Carolina, was graciously pleas'd to resume the Government of that Province *etc.*; Upon which occasion this Board having duly consider'd the state of that Province, which is the Southern frontier of your Majesty's Dominions on the Continent of America, did humbly conceive it might be necessary, in order to prevent further encroachments from the subjects of the French and Spanish Nation, as well as to secure the Navigation of the River Alatomaha, that a Fort shou'd be built at the mouth of the said River; And we are very much surpriz'd that the Spanish Ambassador shou'd make any complaint thereof, because the land where the said Fort is built is certainly a part of your Majesty's Province of South Carolina, to which your Majesty has a most undoubted title; And if it shou'd be

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thought necessary to enter further into the discussion of this matter, we shall be ready to produce sufficient proofs to verify the same. *Autograph signatures.* 2½ pp. [C.O. 5, 382. Nos. 35, 35. i.; and 5, 400. pp. 157-160.]

Dec. 24. **394.** Governor Phenney to the Council of Trade and Plantations. Since my last *etc.*, I have only to add that the works on the fortifications go on with more success and expedition than I expected. The parapets and merlons of the N. curtain and N.E.ly bastion being finish'd with stone, we are now at work in order to make a new and large N.W. bastion, which will entirely comand the bar, after which intend to begin and compleat two regular bastions to the Sowards that respect the land which will make the fort considerably larger and according to the opinion of Captain Barker an Engineer now here in his passage to St. Lucia, the strongest fortress in America. By the next opportunity which I expect to be directly home I purpose to send to your Lordships a plan of what is already done and what intended for the Fort, by which your Lordships will see how we are employing ourselves. I have sent for your Lordships' perusal some Minutes concerning the behaviour of Peter Courant late one of the Council here, which the rest of the Members of that Board have resented accordingly. I have lately heard that one Mr. Carrington who went for England in the *Bahama Galley* assum'd to wait on your Lordships as employed from me and Council, he having no direction at all from me, and since his arrival in Carolina hearing a worse character of him than when he was suspended from Council here, I think it my duty to acquaint your Lordships this much of him. I have likewise sent to be laid before H.M. an Address of the inhabitants of this Island. The intent of it is to obtain a small ship of war to be station'd here, having been (as I have done myself the honor by a former letter to advise your Lordships) of late very much infested by pirates, several of whom we have tryed and condemn'd *etc.* (*v. March 2nd*). I hope if it pleases God to continue my health so to perfect the fortifications of this Island that no person whatsoever may be afraid to trust his interest here which has been the great reason that hindered the settlement, which I hope speedily to see flourish. *Signed, G. Phenney. Endorsed, Reed., 7th March, Read June 22, 1723. 2 pp. Enclosed,*

394. i. Minutes of Council of the Bahama Islands, Nassau, 24th Sept., 1722 and 12th Nov. 1722. Peter Courant was expelled from the Board, he having persisted in cohabiting with Leah Anderson and finally clandestinely gone off this Government with her, in order to avoid trial at the approaching Courts, and leaving his wife in a necessitous condition. *Same endorsement. Copy. 2 pp.* [C.O. 23, 1. Nos. 50, 50. i.]

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Dec. 25. **395.** Petty Expenses of the Board of Trade, Sept. 29th—Dec. 25. *v. Journal of Council.* 5 pp. [C.O. 388, 78. ff. 51, 52, 55, 56, 59, 60.]

Dec. 26.

Spanish
Towne.

396. Governor the Duke of Portland to the Council of Trade and Plantations. After a long and tedious passage I have the pleasure of acquainting your Lordship's with my safe and happy arrivall here the 22nd instant where, with great concerne I speak it everything appear'd to beare one universall face of ruine and desolation from the terrible hurricane which long since has been made known to your Lordship's *etc.* In my passage hither (my Lords) I touch'd att Barbadoes, where I had the satisfaction, besides that surprizeing agreeableness in which that beautyfull Island presented itself to my view, to observe a generall impatience for the speedy arrivall of Mr. Worsley and a disposition no way inferiour to come into all suitable measures destructive of all their former unhappy divisions and animositys and thoroughly conducive to the interest and welfare of ye Island and the makeing him easie and happy in his administration as for my own part I must doe the Gentlemen of Jamaica the justice to owne, that the reception they have given me, has notwithstanding the melancholick posture of their affairs, the so necessary result of their late catastrophe, been equal to, if not exceeding any expectation I could have form'd to myselfe, and I flatter myselfe from these early instances of their behaviour to me, that, when my first hurry is over in settleing and disposeing my owne affairs, so as to open a scene of business which these Christmas Holydays have prevented my earlyer entering upon, I shall be able by the next opportunity I may have of writeing to make a more improved judgment of their good disposition towards me *etc.* *Compliments, etc. Signed, Portland. Endorsed, Recd. Read* 5th March, 172 $\frac{2}{3}$. 2 pp. [C.O. 137, 14. ff. 182, 182v., 183v.]

Dec. 27.

Whitehall.

397. Lord Carteret to Governor the Duke of Portland. I received the honour of your Grace's letter from the Maderas, and I hope you and your family are now safe in Jamaica. I am sorry that at your arrival you should find the Island in such desolation, as I am afraid the late hurricane has occasioned. The King who is extremely touched with the losses which His subjects have sustained, will do everything that can reasonably be expected for their support and relief. H.M. has already been pleased, upon the humble address of the late Govr. and Council, to order such stores of war to be forthwith sent thither, as were requested by them vizt. 40 thirty two pounders, 200 barrells of powder, 500 musquetts, 5 tons of musquett shot, 1 ton of match, and 500 swords, besides other necessary Ordnance stores; and H.M. has also ordered a 50 gun ship to be fitted out forthwith to convoy the sd. stores thither. These marks of H.M. concern for the security of His subjects in Jamaica

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will undoubtedly meet with suitable returns of duty from them. I wish yor. Grace all imaginable success in the King's service, and in laying a foundation for the future prosperity of the Island. *Signed*, Carteret. [C.O. 324, 34. p. 213.]

Dec. 31.
Admiralty
Office.

398. Mr. Burchett to Mr. Popple. Asks for copies of Acts of S. Carolina, for erecting *Charles Town into a City*, and for regulating the fees of the Admiralty Court. *Signed*, J. Burchett. *Endorsed*, Recd. 3rd Jan., Read 15th May, 1723. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 358. ff. 239, 240v.]

Dec. 31.
Boston.

399. A Declaration of the Assembly of the Massachusetts Bay, relating to their difference with Governor Shute. *See Sessional Papers*. *Signed*, John Park, Speaker. *Endorsed*, Recd. (from Mr. Sanderson). Read 20th Aug., 1723. $14\frac{1}{2}$ pp. [C.O. 5, 868. ff. 386, 388-395.]

[1720-
1722.]

400. Printed Votes of the Assembly of the Massachusetts Bay, 1720-1722, produced by Col. Shute, in justification of his memorial against the Assembly. *Endorsed*, Recd., Read 22nd Augt., 1723. 116 printed pp. [C.O. 5, 868. ff. 396, 397-454v.]

[?1722.]

401. The Case of Governor Hart. Reasons offered why the Act of Antigua granting him a 3 p.c. import duty *etc.* should be confirmed, in spite of the adverse report of the Board of Trade *etc.* (v. Nov. 29, 1722). 2 pp. [C.O. 152, 40. No. 9.]

[1722.]

402. Extracts of Votes of the Assembly, New York, 1722, relating to auditing the revenues there. *Of later date*. 13 pp. [C.O. 5, 1085. No. 42.]

[1722.]

403. Petition of the Earl of Clarendon to the King. Prays for a grant, under such a reserved rent as shall seem meet, of several small islands in the River Delaware which belong to the Crown, and if rightly managed would produce plenty of very good hemp *etc.* *Without date*. 1 p. [C.O. 5, 4. No. 24.]

[?1722.]

404. Petition of John Bridger to the King. Prays to be restored to his office as Surveyor of H.M. Woods in America, being now destitute of bread after the greatest part of his life spent in the service of the publick abroad *etc.* *Without date*. 1 p. [C.O. 5, 4. No. 25.]

1722-
1757.

405. Naval Officer's List of ships entered at Perth Amboy. [C.O. 5, 1035.]

[1722-
1725.]

406. Naval Officer's Accounts of clearances and entries of vessels, and imports and exports at New York. [C.O. 5, 1223.]

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407. Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. *Dutch*. [C.O. 116, 23.]

COLONIAL PAPERS.

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- [Jan. ?.] **408.** *Mem.* Wm. Byles at the Office of Enquiry at No. 3 Figgtree Court in the Inner Temple. *Slip. Undated.* [C.O. 152, 14. f. 188.]
- [Jan. 9.] **409.** Petition of Simon Fabian to the Council of Trade and Plantations. The title deeds of petitioner's plantation in Newfoundland, bequeathed to him by his brother, who bought it of William Taverner in 1698, were destroyed by the French upon the taking of Fort St. Johns. Taverner pretends to sell it *etc.* *Prays for relief.* *Endorsed,* Recd. 9th, Read 16th Jan., 1723. 1 p. [C.O. 194, 7. ff. 83, 84v.]
- Jan. 10. **410.** Mr. Popple to Mr. West. Encloses Act of New York, Whitehall. 1722, *to enable trustees to sell lands of Gilbert Livingston etc.*, for his opinion in point of law, and presses for report upon Carolina Acts, *etc.* [C.O. 5, 1124. p. 317.]
- Jan. 10. **411.** Council of Trade and Plantations to the Lords Com- Whitehall. mittee of the Privy Council. *Representation* upon pirates' petition for pardon, (v. 9th Nov., 1722). *Quote* West India merchants, 7th Dec. *Continue:* We have no reason why H.M. may not be graciously pleas'd to issue his Royal Proclamation for their pardon. Upon this occasion however, we think it proper to represent, that in former Proclamations of this nature, it has been usual to fix a certain day beyond which no act of piracy shall be pardon'd by the said Proclamation, which is generally proportion'd to the time by which the persons concern'd may reasonably be supposed to have notice of the said Proclamation, after which there is likewise a further day fix'd, before which all such persons who mean to take the benefit of H.M. most gracious pardon, are to surrender themselves. Some Proclamations of this kind have been issued by H.M., with very little effect; the main reason whereof, as we have been inform'd, hath been that the pirates are all of them apprehensive that immediately upon their surrendring themselves to any of the Governors of H.M. Plantations in America, all their effects would be seiz'd, wherefore altho' H.M. cannot by law give up the property of any persons goods piratically taken from him, yet there is no doubt but that H.M., if he is so

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graciously dispos'd, may depart from his own right to any goods found in the possession of pirates, and may likewise, if the same shall be thought reasonable, give orders in the body of the same Proclamation, by which he shall publish his most gracious pardon to the said pirates, that none of the Governors of H.M. Plantations do presume to seize or take possession of any goods in custody of such pirates as shall come in upon the said Proclamation, which clause in all probability would be a great inducement to the pirates to surrender themselves, and neither H.M. subjects nor any other person whatsoever would be thereby debarr'd from recovering their effects in the hands of the said pirates by due course of law. [*C.O.* 324, 11. *pp.* 3-6].

[Jan. 14.] **412.** Sir W. Alexander's grant of Nova Scotia. (v. 4th Sept.). Copied from the original (*copy*) received from the Lord Provost of Edinburgh, which was sent to the English Commissioners at Paris with the Board's letter, 11th Oct., 1750. *Endorsed*, Recd. 14th, Read 16th Jan., 172 $\frac{2}{3}$. *Copy*. Latin. 33 *pp.* [*C.O.* 217, 4. *ff.* 160-176, 177v.]

[Jan. 15.] **413.** Richard Shelton to the Council of Trade and Plantations. In behalf of Samuel Eveleigh and Eleazer Allen, merchants of Charles Town and other inhabitants thereof, prays to be heard by his council against an Act of South Carolina, *for the better Government of Charles Town*. This Act was passed without the privity or consent of the inhabitants of the town, the major part of whom petitioned the Governor, Council and Assembly against it as soon as they had notice of it, but their petition was rejected. By the Act very great grievances and burthens are laid upon them, which will in a short time force several to remove thence, whereby the town will in a great measure be deserted. There are other things contained in it contrary to the common law, usage and custom of Great Britain *etc.* *Endorsed*, Recd. 15th, Read 16th Jan., 172 $\frac{2}{3}$. 2 *pp.* [*C.O.* 5, 358. *ff.* 204, 205v.]

Jan. 16. **414.** Lord Carteret to the Governor of the Leeward Islands.
Whitehall. Peter Buor is to remain in the peaceable enjoyment of his lands, until H.M. shall think fit how to dispose of the late French part of St. Kitts *etc.* *Signed*, Carteret. [*C.O.* 324, 34. *pp.* 214, 215].

Jan. 16. **415.** Lord Carteret to Governor Burnett. Mr. George
Whitehall. Ingoldesby, Lt. and Adjutant of one of the Independant Companies of New York having represented that there is an arrear of salary due to his late father, Col. Richard Ingoldesby, as Lt. Gov. of New Jersey, amounting to £630, and to John Pinhorne, his brother-in-law, as Clerk to the Assembly of the Jerseys, £105, for both which there are warrants which remain unsatisfyed, it is

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H.M. pleasure that, in case these demands shall appear to you to be just, you should recommend them to the Assembly at their first meeting after your receipt hereof, and use your endeavours that the sd. warrants may be discharged. *Signed*, Carteret. [C.O. 324, 34. p. 216].

Jan. 18.
Whitehall.

416. Lord Carteret to Governor Hart, M. Chammorel, the French Secretary here, hath represented that Jean Haristoy of Bayonne, Capt. of the St. Francois of Guadaloupe, laden with cod, oyl and flower, was taken out at sea on 15th July last by an English pirate, who deliverd up the ship and cargo to an Englishman an inhabitant of St. Christopher's *etc.* It is H.M. pleasure that you send the proper directions to the Lt. Governor of St. Christopher's, that he cause them to be restored. In regard to the justice of this demand, and to the preserving the friendship and good correspondence subsisting between the two Crowns, H.M. expects, that you should give the most speedy and effectual orders for this purpose. *Signed*, Carteret. *Annexed*,

416. i. M. Chammorel to Lord Carteret. London, Jan. $\frac{29}{8}$, 172 $\frac{3}{4}$. v. *preceding*. *French*. [C.O. 324, 34. pp. 217, 218].

Jan. 20.
Antegoa.

417. Governor Hart to the Council of Trade and Plantations. There having been no ships from hence to London since my arrival from St. Christophers, except the first day I came to Antegoa, I have not had an opportunity to acquaint your Lordships of the condition of this Government. I find there has been such a stagnation of business, especially in the Chancery Courts, for want of the frequent presence of the former Commanders in Chief in the several Islands, that I am under the necessity of visiting them every three months, tho' it is attended with such an expence, that one might much easier, cheaper and with good figure make the Tour of France so excessive is the price of provisions, labour and conveniences in the West Indies. But I shall always prefer my duty to my interest. The Island of St. Christophers is likely to make more sugars this year, than since it has been first settled: And all possible care is taken of the Militia, and putting their forts in the best posture of defence, which I don't fail to urge them to, whilst their publick is out of debt, and that they enjoy peace and increase in wealth; For in case of a war with France, this Island would certainly be the first would be attempted; The French having given up their pretentions with reluctancy. The Assembly are preparing to revise their laws; And have passed but one private Act herewith sent, entitled an Act to enable Andrew Audain and Peter Audain infants *etc.* The purport of that Act is; that the Father of these infants being an alien purchas'd an estate in St. Christo-

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phers for them who are natives : and having an opportunity of laying out his money to more advantage than in lands which he could not attend ; This Act is provided in aid to the father, and the purchase money secur'd to the infants. The Council and Assembly of Nevis have never prepar'd any one bill since my arrival, but the poll tax, which I have passed and inclos'd to your Lordps. I have not been wanting from time to time to remind them of several things useful, especially in what relates to their militia and fortifications : But it is their misfortune to have the most wealthy and best educated of the people belonging to that Island reside in England : And I am sorry to observe, that many of those that remain are most obstinate and perverse in their nature and manners : inveterately disaffected to H.M. Government : and that person has been esteem'd as the most couragious amongst them, who rejects everything propos'd by their Governours ; This temper they have been remarkable for ever since the Revolution. And yet no one Plantation has received so many indulgent favours from the Crown. The Assembly of Montserrat are the reverse of their neighbours, and tho' they have many inhabitants of the Romish Religion, yet their behaviour is very well towards the Government : On the arrival of Mr. Dilke, Licut. Governour of that Island, they were so pleas'd with that gentleman's character and merit (which he has indeed a great deal of) the Assembly prepar'd the inclos'd bill, which I have passed. This Act lays a very easie and moderate duty on beef, pork, herrings and other things, to raise the annual sume of £300 current money This Act to continue for three years only and also provides he resides in his Govermt. Three hundred pounds current money is no more than £200 sterling, which with the addition of his sallary will barely maintain him there : and considering that gentleman has lately parted with his Commission as Major of dragoons in Brigadeer Munden's Regiment, he will be far from being a gainer by the exchange. But as this Act was chearfully and unanimously pass'd I hope it will find your Lordps. approbation, and that you will please to recomend it to H.M. for confirmation. I beg leave to remark to yor. Lordps., that good Officers are absolutely necessary in these Colonies, and deserve encouragement ; The want of which has been justly said to be the occasion of the great losses in the late war. For what relates to Antegoa, I beg leave to refer yr. Lordps. to my inclos'd Speech, and the Addresses of the Council and Assembly there ; In which your Lordps. will please to observe the happy disposition they are in to do whatever is recommend'd for the benefit of the Island. Their loyalty is highly commendable, and indeed there is much to be said of these good people, to entitle them to H.M. favour and your Lordps. esteem : But so uncertain is the state of human affairs, This Island which

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was in so flourishing a condition at the opening of the Assembly, is since that become more sickly, than at the first settlement of it. The feaver affects equally the whites and blacks, and is so violent that they become delirious and convuls'd; Tho' not many in proportion to the sick, dye above 15 years of age: But to add to their affliction, after the prospect of making the largest crop of sugars that has been known, a strong North wind, which has constantly blown for some time, has blasted their hopes; and were their negroes in health to labour, yet the inhabitants would now loose more than half of their expectations. So many of the Council and Assembly are affected, that they have not been able to do business: nor even to sign a most loyal Address to H.M. upon the happy discovery of the late conspiracy: All business seems to be suspended, but that of the Physicians of whom they have great numbers—of the unskillfull. The Pyrates begin to swarm in these parts: But as there are many of H.M. ships on these stations, I hope they will clear our coasts of that pest. *Signed, Jo. Hart. Endorsed, Reed. 9th April, Read 14th June, 1723. 4 pp. Enclosed,*

417. i. Address of Council of Antigua to Governor Hart. 10th Jan., 1723. Thank H. E. for his Speech and care for their security and happiness. Promise to discharge the public debt. Agree that prices should be regulated by the best advices of the British market. The Act for *the incrase of white people*, has not answered the end proposed, and a more effectual one should be passed. Re-erecting of new magazines and a prison having been formerly referred to Committees of both Houses, *pray* H. E. to order their report therein. Will heartily concur in preparing remedies against excessive gaming. Express gratitude to the Divine Providence for the preservation of H.M. from all the horrid conspiracys formed against his person and Government *etc. Copy. 2 $\frac{3}{4}$ pp.*

417. ii. Address of the Assembly of Antigua to Governor Hart. 10th Jan., 1723. To same effect as preceding. *Signed, Ashton Warner, Speaker. Copy. 2 $\frac{1}{2}$ pp.*

417. iii. Speech by Governor Hart to the Council and Assembly of Antigua. Proposals replied to in preceding. *Nos. i—iii endorsed, Reed. 9th April, 1723. Copy. 2 $\frac{1}{2}$ pp. [C.O. 152, 14. ff. 195–196v., 197v.–203v.]*

Jan. 25. 418. A. Popple to Mr. West. Presses for reply to 28th Whitehall. April, concerning Instructions of Commadore of Newfoundland. [C.O. 195, 7. p. 86.]

Jan. 26. 419. Governor Hart to the Council of Trade and Plantations. On 16th Dec. past Mr. Uring Governour of St. Lucia, by commission from the Duke of Montagu, came to an anchor

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in that Island, in H.M.S. the *Winchelsea*, with two hired ships and a sloop belonging to the Duke of Montagu, having on board a 180 persons in order to settle a Colony there. The next morning Mr. Uring landed his men at a place called the little Carenage where there some remains of the works made by the order of Marshal d'Estrees about three years past by grant from the French King, and abandon'd at the instance of the British Court. On the 22nd H.M.S. *Hector* and *Feversham* arrived at St. Lucia to countenance the settlement under Mr. Uring: The same evening a French sloop arrived there, having two officers on board with a message from M. de Pas Feuquiere, General of Martinique, who sent Mr. Uring a copy of the French King's orders, to oblige the English (as they are termed) to evacuate the Island of St. Lucia; Mr. Uring sent to the two Commanders of H.M. ships, to know how far they would assist him, who answer'd, as I am informed by Capt. Brand Commander of the *Hector*, that they were ready to assist him in case he was attacked; And accordingly made disposition of their ships to bear within musket shot on the only avenue the French could approach Mr. Uring by. On the 23rd Mr. Uring began to repair the works formerly made by the French in which he was assisted with men from the ships of war. In the mean time the French from Martinique to the number of 400, landed at St. Lucia at Shock Bay seven miles from Mr. Uring's camp to avoid the British men of war; And immediately 29 persons belonging to His Grace the Duke of Montagu deserted to the French, whom Mr. Uring claimed by an officer in vain. On the 6th of Janr. the Marquis De Champigny Governour of Martinique joyned the French formerly landed with 1400 men, and immediately marched through the woods clearing his way with great labour to approach Mr. Uring's little camp; And when he had advanced within a mile of it, sent an officer to let him know, that he was come to put his Master's (the French King's) orders in execution, and that he, Mr. Uring, with the people under his command must instantly evacuate the Island. Mr. Uring on this summons consulted the Commanders of H.M. ships, who declined advising him for want of orders; But the Council appointed him by His Grace of Montagu, unanimously agreed to treat with the Marquis, having no confidence in their own men, being unskillfull in arms, few in number in proportion to the French, many sick, and most of them in a disposition to desert from the hopes of gaining their liberty, being contracted servants. From this wretched posture of affairs Mr. Uring consented to treat with Monsr. De Champigny; Accordingly a Capitulation was signed on the 8th. to evacuate the Island in seven days; The 16th Mr. Uring with the people under his command, except deserters, went on board the ships that brought them here, and arrived on the 18th at Antegoa under convoy of H.M.S. *Hector*. I am truly

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sorry for the disappointment and loss His Grace of Montagu has sustained in this Expedition ; and have reason to say, that the persons employed on that service, were neither acquainted with the Island, nor had capacities for the establishing a New Colony ; For without any opposition from the French their own contention was enough to have destroyed his Grace's views. On Mr. Uring's arrival here I proposed the taking six of these people on the terms they contracted with His Grace of Montagu's Agents ; And in case His Grace had further service for them to deliver them to his order ; Which was agreed to, and all the people disposed of in the same manner. My intention has this effect ; First to save His Grace the charge of maintaining so many men, and the ships for six months, in which time probably he will signifye his commands ; And if His Grace should decline settling of St. Lucia, it will be an additionall strength to these Islands, where white persons are so much wanted in case of a war : For the French have shewed us by this last Expedition, that they are able to send a sufficient force in six hours (for it is no more from Guadaloupe to Antego) to destroy any one of the Leeward Islands ; Unless there be a good Naval force on this Station to interpose. My Lords, on the complaint made me of the cruel treatment at Guadaloupe of the master and supereargo of a sloop belonging to this Island ; And having received no answer from Monsr. De Pas Feuquiery, nor redress to the sufferers, on my letter to him of the 8th of Septr. past (*No. iv.*) : And having repeated advices of the armament of the French at Martinique, and no ships from Great Britain to this Island in some months ; I thought it necessary to put the Islands of this Governmt. in the best posture of defence : And immediately dispatcht Captn. Paul George Master of the Horse to His Grace of Montagu, and whom on this occasion I stiled my Aid de Camp, with a letter to Monsr. De Pas Feuquiery (*No. v.*) *etc.* My intention of sending this express was to get the best information of the French, not only to provide for the safety of this Governmt. but also to assist the British Settlement on St. Lucia. Tho' I have never received any commands from H.M., nor those in authority under him, to be aiding to His Grace of Montagu therein ; and consequently the charge of such aid must have fallen on me : And tho' Mr. Uring never wrote to me for my assistance : Yet I was resolved to run all risques rather than have suffered an insult on a British Colony. Captn. George having by my order touched at St. Lucia, where he found Mr. Uring and his people decamped returned to me the 17th inst., after 12 days of passage, with a letter from Monsr. De Pas Feuquiere, (*No. vi.*) the first part your Lordships will please to observe, says he did answer my former letter, but knows not by whom he sent it, and pleads ignorance for what the Admiralty did in relation to the sloop mentioned, to whom he says the sole cognizance of such affairs

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belong. To the latter part of my letter he answers, that the armament he was preparing was in no wise to disturb the Domain of His Britannick Majesty, but to oblige the Colony sent by the Duke of Montagu to evacuate the Island of St. Lucia; This he says is in obedience to the King His Masters Order (*No. i.*) *etc.* Your Lordships will please to observe, that by the first Article (*No. iii.*) Mr. Uring has precluded any assistance he might receive from Great Britain or these Colonies. I submit it to your Lordships superiour judgement, whether in the French King's Orders to Monsr. De Pas Feuquiers the stile of Le Roy d'Angletere, be not a diminition to the Majesty of Great Britain. I have inclosed a draught of the harbour of the Carenage, which shews the disposition Mr. Uring made for his defence: the s(t)ations of the British men of war for his support; and the several approaches of the French, who in my humble opinion would have been disappointed in their designs, had there been but the same number of the Regular troops, under experienced officers, as there were raw, undisciplined and mutinous men under Mr. Uring. *Signed, Jo. Hart. Endorsed, Reed. 9th. Read 10th April, 1723. 4 pp. Enclosed,*

419. i. Order of the King of France to Le Sieur Chevalier de Feuquiere, Governor and Lt. General of the French Windward Islands. Versailles, Sept. 21st (N.S.), 1722. His Majesty being informed that the King of England has granted the Islands of St. Vincent and Ste. Alouzie to the Duke of Montagu, has made complaint to the Court of England, asserting that neither of these Islands belong to that Crown, as the former ought to remain to the Caribs according to the Convention made with those people, and the latter belonging to France which had agreed to suspend settling it at the request of the King of England *etc.* In case the English dispatched by the Duke of Montagu attempt to take possession of Ste. Alouzie, the Sieur Chevalier de Feuquiere is to summon them to withdraw in a fortnight and if they do not do so to compel them by force of arms *etc.* *Signed, Louis. Approved, Philippe D'Orleans. French. Copy. 1½ p.*

419. ii. Covering letter of preceding. *Same date etc. Signed, L. A. de Bourbon. French. Copy. ½ p.*

419. iii. Articles of Capitulation for evacuating Sta. Lucia to the French. The Colony of the Duke of Montagu undertake to evacuate the Island completely in 7 days "whatever succour or orders they may receive to the contrary from his Britannic Majesty" *etc.* Nine articles concerted by Lt. John Brathuaire [=waite?] and the Marquis de Champigny, 18th Jan., 1723, and signed the following day by Nathaniel Uring, Deputy

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- Governor and Commander in Chief of the Colony of the Duke of Montagu *etc.* *French. Copy certified by, De Pas Feuquiere. Endorsed as preceding.* 2½ pp.
419. iv. Governor Hart to M. De Pas Feuquiers, General of the French Caribbee Islands. Antegoa, 8th Sept., 1722. Complains of the seizure of the sloop of Mr. Wilkinson of Antigua off Guardeloupe. The master, super cargo and negro were cast into prison there only for trading in their distress one barrel of herrings in exchange for flour and fodder, which was lawful by the Treaty of Utrecht *etc.* Those of the French Nation are treated by us with all possible humanity and kindness, whenever their private affairs or misfortunes bring them within my jurisdiction *etc.* *Requests* the release of the prisoners and restitution for their damages. *Concludes:* The sloop mentioned is cast away on Nevis, and of nine soldiers on board, two only are saved, which I have ordered to be well treated and sent to Martinique by the first conveniency *etc.* *Signed, Jo. Hart. Copy. 3pp.*
419. v. *Same to Same.* Antegoa, 4th Jan., 1723. Expresses surprise that he has received no answer to preceding. *Continues;*—I have repeated assurances by very late accounts that Great Britain is under the strongest engagements of amity with France *etc.* At the same time, I am informed that you have lately laid an embargo on all ships and are preparing a considerable armament for some foreign expedition, and as that armament justly gives umbrage to those of the British Nation in these Islands, I have ordered Capt. Paul George to demand of you in H.M. name whether the expedition is intended against the Islands subject to the King of Great Britain *etc.* *Signed, Jo. Hart. Endorsed, Reed. 9th, Read 10th April, 1723. 3pp.*
419. vi. M. De Pas Feuquiere to Governor Hart. Fort Royal, Martinique, 21st Jan. (?N.S.) 1723. *Reply to preceding.* He sent a reply to Sept. 8 by the master of some English vessel. The affair of Mr. Wilkinson's sloop does not concern him but the officers of the Admiralty and the Court at Guadeloupe where she was condemned. *Continues:*—The armament I have prepared is in pursuance of orders from the King my Master to oblige the Colony which the Duke of Montagu has sent to Ste. Lucie to evacuate it and is not directed against any of the domains of Great Britain *etc.* *Sends and refers to Nos. i.—iii.* *Signed, De Pas Feuquiere. Endorsed as preceding. French. Copy. 2pp.* [C.O. 152, 14. ff. 176–179, 180, 181, 182, 183–185, 186–187v., 189, 189v., 190v.; and (extract of covering letter) 253, 1. No. 28.]

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Jan. 29. **420.** Lord Carteret to Governor Hart. It is H.M. pleasure
Whitehall. that Anne McArthur remain in quiet enjoyment of the plantation
of which her late husband died possessed (*v. C.S.P.* 25th June,
1718), and which she represents that he laid out his whole
substance in improving, until H.M. shall come to a resolution
how to dispose of the late French part of St. Christophers *etc.*
In case you have given any grant to dispossess her, you are to
recall the same. *Signed*, Carteret. [C.O. 324, 34. *pp.* 219,
220].

Feb. 1. **421.** Order of Committee of Council. Upon occasion of
Whitehall. an Act of Jamaica *for vesting certain lands in trustees for the use of*
George Reid, refer to consideration of Council of Trade and
Plantations whether a clause to prevent private Acts taking
effect till they have received H.M. approbation, which has been
only inserted in the Instructions of the Governors of Jamaica,
Barbados, Leeward Islands and Bermuda, ought not to be sent
to all other Governors *etc.* *Set out*, A.P.C.III. No. 40. *Signed*,
Temple Stanyan. *Endorsed*, Reed. 7th, Read 13th March, 1723.
1½*pp.* [C.O. 323, 8. No. 37].

[Feb. 5] **422.** Mr. Yonge to the Council of Trade and Plantations.
A view of the Trade of S. Carolina, with proposalls for im-
proving the same. The produce has hitherto been beef, pork,
pitch, tar, turpentine, rice, cedar, deerskins and some silk.
They formerly made indigo and cotton, but the winter is too
severe for these *etc.* The trade for beef and pork, which was to
the West Indian Islands has been very much interrupted by
the late Indian war, which destroyed the stocks of cattle and
drove most of the inhabitants to the southward where the
greatest stocks of cattle were, who yet dare not return for
fear of the Yamasees *etc.* Returns of sugar, rum and molasses
are now purchased with rice, pitch and tar. *Describes* growth
of production of pitch and tar. The recent enactment by
Parliament that after 29th Sept. 1724 only tar made from
standing trees will be entitled to the bounty will lead to great
destruction of timber and put an end to the industry, for no one
knows the pitch or lightwood pine as it is growing *etc.* Rice,
since it was made an enumerated commodity, has lost the
Spanish and Portuguese markets, so that the export has dropped
from 13623 barrels of 400 lb. each, valued at £44,654. 5*s.* 6*d.*
less £23,390 5*s.* 10½*d.* for freight duties *etc.*, in 1719, to 21,879
barrels in 1721, of which ⅔ths came to Great Britain and sold
for 21*s.* p. ewt. in 1719 and 16*s.* in 1721. The export of pitch,
tar and provisions being thus affected, there remains only silk,
which might be brought to very great perfection there if persons
that understand it were sent over and proper encouragement
given *etc.* But even then, it must be a matter of years. *Urges*
that the production of rice, pitch and tar and turpentine should

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be encouraged, by taking off the enumeration of the former, and the latter by continuing the bounty for 10 years; for the Swedish will soon be at its former price. *Draws attention to the fitting out of vessels in Holland with cargoes for the Plantations owned by Hollanders or Englishmen residing there, which has been carried on for some years with great success. An Act of Parliament is needed to compel cargoes for the Plantations to be loaded in Great Britain etc. Signed Fra. Yonge. Endorsed, Recd. 5th Feb., Read 10th July 1723. 12½pp. [C.O. 5, 358. ff. 272-278, 279.]*

Feb. 6. **423.** Mr. Newman to Mr. Popple. *Encloses following:*
Middle Mr. Penhallow, one of H.M. Council, being oblig'd by his private
Temple. affairs to return to England, makes such an appointment the more necessary to be dispatch'd etc. *Signed, Henry Newman. Endorsed, Recd. 6th, Read 8th Feb., 1723. 1p. Enclosed,*

423. i. Extract of letter from Governor Shute to Henry Newman, 24th Dec., 1722. H.M. Council at New Hampshire is so thin by the absence of some and the neglect of others, that have not paid their fees at Home, that I am sometimes under difficulties in the Governmt. etc. *Desires that Mr. John Frost of New Castle may be put in etc. ¾p. [C.O. 5, 868. ff. 336, 337, 339v.]*

Feb. 7. **424.** George Bampfieild to [?Mr. Popple]. *Presses for*
Chancery report upon Act of New York for running a divisionary line
Lane. between Connecticut and New York, which was transmitted to the Board in 1719 etc. *Signed, Geo. Bampfieild. Endorsed, Recd. Jan. (? Feb.) 7th, Read Feb. 8th, 1723. ¾p. [C.O. 5, 1053. ff. 122, 122v.]*

[Feb. 8.] **425.** Memorial of Clerks of the Plantations to the Council of Trade and Plantations. Mr. West's Clerk has given copies of some of the Acts referred to Mr. West. Memorialists have hardly any other gratuities but for copies of Acts. *Pray that Mr. West may be directed not to allow copies of Acts in his hands to be given to any person, but that application be made to their Lordships for copies. Endorsed, Recd. Read Feb. 8, 1723. 1p. [C.O. 388, 78. ff. 47, 48v.]*

Feb. 8. **426.** A. Popple to Mr. West. There having been a
Whitehall. complaint made to my Lords Commissioners, that your Clark has given copies of some Acts of the Plantations which have been sent to you, they desire and expect, you will give directions to your Clark, not to let any person whatsoever have copies of any Act or other papers which shall be referr'd to you. [C.O. 389, 87. pp. 224, 225.]

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Feb. 9. **427.** Mr. Yonge to Mr. Popple. *Encloses following*, transmitted by Governor Nicholson. *Endorsed*, Recd. 11th Feb., Read 10th July, 1723. $\frac{1}{2}p$. *Enclosed*,

427. i. Deposition of Capt. Francis Goddard, 26th Oct., 1722, as to his being forced to go to Rhett's Point contrary to the Quarantine Act *etc.* *Signed*, F. Goddard. *Endorsed*, Recd. 11th Feb., 1723. *Copy. Attested by*, John Wallis. $1p$.

427. ii. List of trials at the October Assizes at Charles Town, 1722. 13 cases. *Endorsed as preceding. Copy. 1 folded p.*

427. iii. Proceedings against Wm. Rhett, Charles Town, 17th Oct.-2nd Nov., 1722, for uttering scandalous words against the Governor. (v.14th Feb.) *Same endorsement. Copy. 6 $\frac{1}{2}$ pp.*

427. iv. Declaration by John Wallis, shewing by quotations that it has been the practice in S. Carolina as in New York in entering proceedings to say "The Court gave out a bill of indictment to the Grand Jury", and he did not so enter with intent to make the Court a party in the indictment against Col. Rhett, *etc.* *Signed*, John Wallis. $\frac{3}{4}p$.

427. v. Proceedings at the General Sessions at Charles Town against Adam Stewart, Mariner, for assaulting Francis Goddard, Commander of Johnson's Fort, 17th Oct.-3rd Nov., 1722. Stewart was fined £10. *Endorsed*, Recd. 11th Feb. 172 $\frac{2}{3}$. *Copy. 3 $\frac{3}{4}$ pp.*

427. vi. Report by Benjamin Whitaker, Attorney General of S. Carolina upon the case of William Rhett, and the reasons argued by him then. Charles City. 21st Nov., 1722. *Signed*, Robert How, in behalf of Benja. Whitaker. *Endorsed as preceding. Copy. 2pp.*

427. vii. Proceedings against Timothy Bellamy, Hatmaker, Charles Town, 14th Aug. and 17th Oct. 1722, for assaulting Robert Hume, Attorney. Damages awarded. *Same endorsement. Copy. 3 $\frac{3}{4}$ pp.*

427. viii. Petition of Don Antonio Rexidor to the Governor and Council of S. Carolina. Inhabitant of St. Augustin, but now in S. Carolina. Petitions that 3 slaves carried away from his plantation by the Uchisa Nation in 1720 may be restored to him. March 19, 1721. *Signed*, Antonio Rexidor. *Same endorsement. Copy. Certified by*, Char. Hart, Secry. $1p$.

427. ix.-xi. Minutes of Council of S. Carolina, Nov. 9th 1721, Jan 18th, and April 10th, 19th and 26th, 1722, relating to Benjamin de la Conseillere, H.M. Receiver General, and the claims of Mr. Rhett, Receiver General of the Lords Proprietors, with copies of Mr. Conseillere's

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- Commission, Jan. 21., and the Treasurer's oath. *The whole endorsed*, Recd. 11th Feb., 172 $\frac{2}{3}$. *Copies. Certified by Char. Hart, Secry. 5 pp.*
427. xii. Bond of £2,000, entered into by Benjamin de la Conseillere and Ralph Izard, for the former's proper discharge of his duty *etc.* 18th Jan., 1721. *Same endorsement etc. Copy. 1 p.*
427. xiii. List of vessels taken by the Spaniards *etc.* Duplicate of C.S.P. Dec. 5, 1722. *Same endorsement. 1 p.*
427. xiv. List of negroes *etc.* taken to St. Augustine. Duplicate of C.S.P. Dec. 5, 1722. *Same endorsement. 1 p.*
427. xv.(a) Commission, bond and oath of Capt. Daniel Green as Naval Officer, S. Carolina, in the absence of Wm. Hammerton. 30th Nov. 1722. *Signed, Fr. Nicholson.*
 (b) Bond and oath taken by Capt. Green, Naval Officer. *Same endorsement. Copy. 2 $\frac{3}{4}$ p.*
427. xvi. List of officers, civil and military, who have taken the State oaths, with copy of same. May 31–Oct. 17, 1721. *Same endorsement. Copy. 5 pp.*
427. xvii. Duplicate of No. ii.
427. xviii. List of trials at March Assize, Charles Town, 1722. 5 cases. *Endorsed*, Recd., Read 10th July, 1723. *Copy. Attested by, Lawrence Couliette, Cl. 1 p.*
427. xix. Petition of William Rhett to the Governor and Council of S. Carolina. 19th April, 1722. Upon 10th April, petitioner putting in a claim before your Honours to the fines and forfeitures of criminals on behalf of the Lords Proprietors, he was ordered to secure such as properly belonged to them. *Prays that Mr. De la Conseillere may be ordered to pay over what he has received since he was appointed (v. No. viii.) Signed, Wm. Rhett.* Upon reading above, April 19th, it was ordered in Council that petitioner produce his power from the Lords Proprietors to-morrow morning. *Copy. 1 large p.*
427. xx. William Rhett to the Governor and Council of S. Carolina, April 10, 1722. By an instrument bearing date Jan., 1710, *claims* to be empowered to receive *as in preceding*, the Lords Proprietors being entitled to the same until judgment is given against them for the King on the forfeiture of their Charters. *Signed, Wm. Rhett, Recr. General. Endorsed*, Recd. 11th Feb. 172 $\frac{2}{3}$. *Copy. 1 large p.*
427. xxi. Governor Nicholson to Senr. Don Francisco Menandes Marques. *Replies to letter of Governor of St. Augustine (v. following).* I would willingly have treated with you on the several heads you desire

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had I recd. the like powers from my Master as Don Antonio informs me he hath from his *etc.* But that everything may be put in the clearest light to be sent home for H.M. Orders thereupon, *remarks that*, whilst in the second article of his credentials (*v. No. xxii*) it is said that all ships belonging to H.M. coming to St. Augustine will be made prizes, in his Memorial (*No. xxiv*) he desires liberty to come and buy provisions. *Expresses surprise* at this desire, which appears to be without authority and so contrary to the usage proposed to the ships of Great Britain. "Neither is it in my power to grant you the priviledge you deny to the King my Master's subjects, especially as it is contrary to the treatys of Commerce between the two Crowns, but should be glad if their Majesties should grant a reciprocall and free trade between their subjects of both Governments." The third Article seems to sett forth that the encouragement of privateers affects the Indians on the mainland, which, "as I do not understand, I desire you to explain, but presume you do not mean to debarr the King my Master from setting out privateers in time of warr. I have received complaints of your privateers taking several ship after the suspention of arms *etc.*, and am sorry to find you have not Instructions to make restitution, which I now demand according to the acct. here given you. Two of the three negroes demanded in the 4th Article, I am informed did belong to Mr. Smiley an inhabitant of this Province, taken from him by the Yamasee Indians and retaken by our Indians and sold to Smiley. As to the third, I cannot find he was brought as is said. This Instruction does not correspond with the second Article of your Memorial, which is a general demand of all the Spaniards as well slaves as free, none of which I can learn are in this province, there were two people brought hither by the Indians one of which said he was a Portuguese, and took his passage for Europe, the other a Spaniard was att our own cost sent to St. Augustine in the sloop *Bonetta* as we have always taken punctuall care to do. As to your particular demand of Felis de Anguillar, wee cannot know him by name it being now as you sett forth 14 years since if any such person was brought here by the Indians no doubt he was sent home as all such persons here. The sister of the wife of Torres, you are directed to demand in the sixth article of your credentials, she is married to one of the King my Master's subjects here and is at liberty to go back with you to St. Augustine if she

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pleases *etc.* I expect the same liberty be allowed to H.M. subjects in St. Augustine, where are several who would return to this Governmt. but are not permitted. The 7th Article is to settle a cartel for the exchange of prisoners which I think at present is needless, our Master having thought fitt we should be at peace *etc.* The 8th Article (is) that orders be given to Commanders of troops that go with the Indians, that they do not use their prisoners ill. We have always endeavoured to prevent such usage from the Indians and dare say there never was any cruelty used by them when any of H.M. subjects were present. *Enquires* what Nations of the Indians he looks upon as belonging to his Catholick Majesty and which to his Britannick Majesty, and who and when any of H.M. subjects have stirred up any of them to disturb their Government, that they may have the desired orders not to injure either Government during the Peace *etc.* *Continues*:—As to their barbarity toward one another, 'tis what wee see with horror, but what I cannot prevent, nor as they are free people can I be accountable for any of their actions, and therefore desire you will explain what you mean by taking revenge and satisfaction for any ill-treatment you may receive from them as you say you have orders from his Catholick Majesty to do *etc.* We have always taken care that those infidels should not use our fellow Christians barbarously, and to that end gave them a reward of £5 dureing the warr for every one they brought alive, which saved the lives of many *etc.*, but I have been informed those infidells have been promised by the Governmt. of St. Augustine the like summ for our scalps. I should be glad that effectual care could be taken to prevent slaves, servants and soldiers from deserting their respective masters and am ready to deliver any such slaves that may be in this country, on haveing those delivered that have been taken or run away from hence, a list of which I herewith deliver to you. I do depend you will not presume to carry any person from this Governmt. more then such as came with you, wch if you do I shall acct. it as a very great crime *etc.* I am very much surprized at your demand why the King my Master has made a new settlement near the Island of St. Catherine's, and the more so because I do not find you have any authority from your Principall so to do *etc.* The King my Master has ordered the building of fort there, for the better securing those H.M. dominions, and the same is garrisoned by his own troops, and shall be

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maintained as long as H.M. shall think it for his service *etc.* I cannot butt observe to you the manner of your coming into this H.M. Guarison, thro' the heart of our settlements, and without any pass from me or previous notice, especially when you tell me you have not been informed of a peace, and with near 30 men armed and your vessells so too *etc.* I expect in the future you will come in proper vessells by sea, and let us know of your arrivall that you may have an admittance from us, if wee think it proper, and that with a fewer number of men *etc.* *Requests* prompt reply. *Signed*, in Council, 9th March, 1721(2), Fr. Nicholson, Arthur Middleton, Ja. Moore, Speaker. *Copy. Endorsed*, Reed. 11th Feb., 172 $\frac{2}{3}$. *Copy.* 7 $\frac{1}{4}$ pp.

427. xxii. Report of Committee of both Houses of Assembly of S. Carolina. Suggestions for reply, as preceding, to No. xxiv. *Copy.* 3 $\frac{2}{3}$ pp.
427. xxiii. Instructions of Don Francisco Menendes Marques, Capt. of the Horse and Receiver of the Royal Treasury, referred to in No. xxi. St. Augustine de la Florida, 11th Feb., 1722. *Signed*, Dn. Antonio Benavides. 2 pp.
427. xxiv. Governor of St. Augustine to Governor Nicholson Feb 11, 1722. Sends Don Francisco Menendes Marques to negotiate an agreement in relation to the hostilities of the Indians on either side, in accordance with orders from the King of Spain *etc.* v. No. xxi. *Signed*, Don Antonio d'Benavides. *Copy.* 1 p.
427. xxv. Governor Nicholson to Don Francisco Menendes Marques. Charles Town, 13th March, 1721(2). Gives him letter for Governor of St Augustine (xxix), and passport, announcing that he is asking for H.M. orders upon above proceedings. Asks that some soldiers who deserted from Port Royal may be secured and returned. *Signed*, Fr. Nicholson. *Copy.* 1 $\frac{1}{4}$ pp.
427. xxvi. Don Francisco Menendes Marques to the Governor and Council of S. Carolina. 10th March, 1722, In reply to No. xxi, takes leave and asks for copy of H.M. Order concerning the fort that is building over against St Catherines. *Signed*, Dn. Francisco Menendes Marques. *Copy.* $\frac{3}{4}$ p.
427. xxvii. Memorial of Don Francisco Menendes Marques to Governor Nicholson. 13th March, 1722. Presents articles of his Instructions *etc.* v. Nos. xxi, xxiii. *Signed as preceding.* *Copy.* 2 pp.
427. xxviii. Passport for Don Francisco Menendes Marques *Signed*, F. N. *Copy.* 1 p.

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427. xxix. Governor Nicholson to the Governor of St. Augustine. Charles Town, March 13th, 1721 (2). Refers to reply, *No. xxi*, and demands satisfaction for ships and slaves of which he sends lists. As Don Francisco had no Instructions to demand a copy of H.M. Order (*No. xxvi.*), he has not given him one, but assures H.E. that he has such orders *etc.* Hopes that on future occasions such a mission may be sent as suggested in *No. xxi.* *Signed*, F. N. *Copy.* 1½ pp. [C.O. 5, 358. ff. 285, 286v., 287v.-290, 291, 292, 293, 294, 295, 296-298, 300, 301, 302, 303-306, 307, 308, 309-314v., 315v.-322, 323-324, 325-331, 332v.,-334, 335-336, 337-339 v.]

Feb. 12. 428. A. Popple to Jacob Satur. Encloses extract of [Whitehall.] Act of St. Christopher *for raising gunpowder etc.* The Council of Trade and Plantations desire to speak with you thereupon next week and that you will bring with you some other merchants that trade to that Island *etc.* [C.O. 153, 14. p. 104].

Feb. 12. 429. Lord Carteret to the Council of Trade and Plantations. Whitehall. In reply to 11th Dec., *encloses* copy of H.M. Orders (*No. i.*), sent to all the Governors in the West Indies, on the 14th Sept., 1721; also extract of letter from Governor Burnett, for their report. *Signed*, Carteret. *Endorsed*, Recd. 12th, Read 14th Feb. 1722½. 1 p. *Enclosed*,

429. i. Copy of H.M. Orders to Governors for the restitution of Spanish effects *etc.* Kensington. 14th Sept. 1721. *Countersigned*, Carteret. *Same endorsement.* 4½ pp.

429. ii. Governor Burnet to Lord Carteret. New York, 12th Dec., 1722. It is confidently reported, that silver and even gold mines are to be found in New Jersey. But there must be a great allowance made for the humour that now prevails to run a mine hunting, and as I have yet nothing but very suspicious accounts of such discoveries of Royal Mines, I cannot pretend to give any opinion yet about the truth of them. But I am inform'd that several persons have positively declared, that if they could be certain in whom the title lay, and that they should have a reasonable share of them, they would make the discovery and never otherwise. *Quotes* grant of K. Charles II to Duke of York, including "all lands, mines, minerals, quarries" *etc.*, under which the present Proprietors claim. *Continues*: There are in the Records of the Proprietors a great many patents to be found, by which the first Govers. and some of the succeeding Govrs. of the Proprietors have, together with the lands, granted all silver and gold mines, reserving sometimes one,

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sometimes another certain share of them to the Proprietors. And as the former Proprietors thought themselves intitled to the silver and gold mines, so do the present Proprietors, notwithstanding that these mines were not particularly named in the grant from K. Charles, because (i) the words "all mines" *etc.* must be understood to give gold and silver mines, for the same King in his grant of Pensylvania and other of the neighbouring Provinces granted all gold and silver mines, reserving one fifth. But it must be supposed that he intended to grant them entirely to his brother without any reserve of any share, else he favoured strangers to his blood more than his brother, the contrary of which is well known. (ii) Because say they, the Province of New Jersey at the time of that grant was almost entirely in the peaceable possession of the Indians, independant of the Crown of England, or any other whatsoever, and these Indians alone were intitled to the lands *etc.* and silver and gold mines in them, and by the Laws of all Nations the K. of Great Britain could not claim or grant any thing in or of New Jersey, but the liberty to treat with the owners thereof, wch. must at least be intended to be fully given by that grant of the Duke of York *etc.* And after the purchase of all the lands of the Indians, the purchasers became vested with all that the Indians had to sell, in which the gold and silver mines were included *etc.* But the generality of people are so uncertain whether this claim of the Proprietors is well grounded, and the opinion of lawyers here so various, that the discoverers of mines dont know how to secure themselves of a certain share, and till it shall be known what claim the Crown may have, or how far the Proprietors are invested with the right to those royal mines, the whole matter is likely to stand still *etc.* *Suggests that the question be solved by H.M. Counsel learned in the law, and that he be given Instructions accordingly. Endorsed, Recd 12th, Read 14th Feb., 1723. Copy. 5 pp. [C.O. 323, 8. Nos. 36, 36.i. (covering letter and encl. i only); and (encl. ii. only) 5, 972. ff. 63-65, 66v., 67v.]*

Feb. 13. 430. Lord Carteret to Governor Sir W. Keith. I have
 Whitehall. received your letter of 9th Nov., in which you apprehend complaints will shortly be made against you. Nothing of that nature has yet come to my hands *etc.* In such a case you may depend upon having time given you to put in your answers, and to justify yourself. *Signed, Carteret. [C.O. 324, 34. p.220].*

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Feb. 14. **431.** Lord Carteret to the Council of Trade and Plantations.
 Whitehall. Encloses following for their report. *Signed*, Carteret. *Endorsed*,
 Recd. 18th, Read 21st Feb., 172 $\frac{2}{3}$. 1 p. *Enclosed*,

431. i. Petition of William Rhett, Depty. Surveyor General of H.M. Customs in South America, by John Lynch his attorney in England, to the King. Petitioner has faithfully discharged his duties for many years, and was also a chief Commander in the taking of a great number of pirates in America. He was about to proceed to the Island of Providence, having been informed of many abuses committed there to the prejudice of H.M. Customs when he received a letter from the Commissioners of Customs, directing him to state the accounts of some persons who had been long indebted to H.M., and also the account of the fines and forfeitures of five vessels which were condemn'd in Carolina. Petitioner was proceeding in his said affairs with the utmost expedition; but before he had enter'd thereon he applied to Governor Nicholson to deliver him a letter, which in no sort related to petitioner, but was from a Gentleman in an Office under one of H.M. principal Secretaries of State; and upon his delivering the letter to the Governor, he was pleas'd to charge petitioner in a most violent and indecent manner, with his hands bent as if he wou'd strike petitioner down, and with names opprobrious suitable to such passions, and insinuated petitioner had been guilty of defrauding H.M. Customs for two hhds. of tobacco, pretended to be consign'd to him, tho' in truth consign'd to his son and had duly paid duties, as by the entries appeared. Petitioner informed the Governor of that fact, and added, that if that was a crime in him, the Governor had given him an example, having had tobacco consign'd to him, which he cou'd prove by the certificate and entries *etc.* The Governor ordered him and his securities to enter into recognizance for £1500 to appear at the next Sessions, ten days after, upon an indictment for the aforesaid words pretended to be scandalous against him *etc.* The Governor was present in Court, and influenced the Jury with presents of considerable value, which he pretended he had received from persons of distinction in England. Upon the bill being found by the Grand Jury, petitioner's Counsel moved for the usual time to traverse the indictment, which was refused and the tryal instantly hurried on, though in fact no issue joined, and the evidence was given of words spoken, never thought of by petitioner, yet the damage was found by the Jury, amounting to £400. Petitioner's

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Counsel moved in arrest of judgment that the issue was not joined before tryal *etc.*; but the Judges being influenced by the Governor got over that and other reasons by ordering an amendment upon the record, and petitioner was immediately ordered to pay, which he not submitting to (having intimation that the Governor intended to set up several other prosecutions against him) was committed to prison where he now lies, by which his health and fortune and H.M. Revenue have received great prejudice *etc.* Petitioner is confined in a room close and nauseous and not above 10ft. square, and the Governor has declared that if any officers visit him they shall lose their employments and has forbid the Justices to take any affidavits on his behalf *etc.* *Prays* for order for his release, remission of fine and grant of commission to take depositions *etc.* *Same endorsement.* 3 pp.

431. ii. Mr. Yonge to Lord Carteret. London, Feb. 1., 1723. *Submits* complaints against W. Rhett on behalf of the Governor Council and Assembly of S. Carolina. (i) Contrary to statute, Rhett is the owner of several vessels and wharfs, and unless masters of ships go to his wharf, he refuses them going up the rivers to load on pretence he has orders not to permit any vessels load anywhere than at Charles Town, which he does nevertheless permit to such as load or unload at his wharfs *etc.* (ii) In 1720, (while H.M. was at war with Spain) he sent the sloop *Bonetta* to St. Augustine on pretence of fetching prisoners, which was loaded with provisions and goods, which were sold to the Spaniards by his order, as also four great gunns and shot for them, several chests of small arms and other warlike stores, and which returned with cotton, sugar *etc.* taken out of British ships, just then made prize by the Spaniards. By a sloop called the *Betty* he made the Spaniards an offer of a vessel then just arrived from Antegoa, which he said was a prime saylor and had eight good gunns, but would handsomely carry ten *etc.* Privateers from that port subsequently made prize of several British vessels *etc.* (iii) In 1721 Rhett imported tobacco at Charles Town, without certificate, in his schooner the *Mary*, which was sold by Sarah his wife there. (iv) Employed as a factor by Thomas Walker, of Providence I., Agent for the Bahama Company, in Oct. 1721, he granted a bill of store to the *Recovery* sloop to take on board a parcel of enumerated goods, after the said sloop was cleared out, and unknown to any other of the Custom

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House Officers, which goods being as he thought too great a quantity for the use of so small a vessel, he put into the bill of store these words "for the use of the said sloop and the ship *Delicia*," the *Delicia* then being at Providence. William Hammond, Naval Officer, seized the sloop, which was condemned in a Court of Admiralty, for which proceedings Rhett has procured an order for putting him out of his employment (v) Governor Nicholson desiring him to answer to the many illegal practices of which he was informed, Rhett writt him that the Governor had nothing to do with the Customs or their officers, in spite of H.E.'s Instructions *etc.* Signed, Fran. Yonge. *Same endorsement.* 3 $\frac{3}{4}$ pp.

431. iii. Examination in Council and deposition of James Banbury, master of the sloop *Boneta* referred to in preceding. Charles Town, March, 1721. 4 pp.
431. iv. Examination in Council and deposition of Joseph Palmer, master of the sloop *Betty* referred to in No. ii. Charles Town, 6th April, 1722. 3 pp.
431. v. Examination in Council and deposition of George Hisket as to his buying a hogshead of tobacco from Sarah Rhett, April 12th, 1722. 1 p.
431. vi. Examination in Council and deposition of Richard Wigg, Searcher, as to his having observed the tobacco referred to Nos. ii and v. 12th April, 1722. 1 p.
431. vii. Examination in Council and deposition of Capt. Anthony Mathews, confirming No. iv. 7th and 10th April, 1722. 1 p.
431. viii. Examination in Council and depositions of Joseph Palmer, master of the Schooner *Mary*, confirming No. ii. 30th March, 1721, and 5th June, 1722. 2 $\frac{1}{4}$ pp. and 3 $\frac{1}{2}$ pp.
431. ix. Examination in Council and deposition of Hill Crofts as to purchase of tobacco from Mrs. Rhett. 12th April, 1722. 1 p.
431. x. Mrs. Rhett's receipt for £27. 7. 6. from Mr. Hill Crofts. July, 1721. $\frac{1}{4}$ p.
431. xi. Trial and condemnation of the sloop *Recovery* 30th Oct. 1721 and 1st Nov. 1721. Mr. Rhett's permit for same held to be unwarrantable. (v. No. ii.) 10 pp.
431. xii. Thomas Walker to Wm. Rhett. New Providence, 4th and 9th Dec. 1721, relating to the sloop *Recovery*. 2 pp.
431. xiii. Certificate by Mr. Johnson as to proceedings of Council and Assembly, vindicating him against the reflections in Mr. Rhett's letter to Col. Lynch in London. Signed *Robt. Johnson.* Copy. 1 $\frac{1}{4}$ pp.
431. xiv. Correspondence of Wm. Rhett, Governor Woodes Rogers, and Governor Johnson relating to Mr. Rhett's

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letters (*No.* xii) July 29th and Aug. 13th, 1718, which was preserved by Capt. John King of the *Neptune* when captured by pirates, upon which Governor Woodes Rogers, writing to Governor Johnson says Jan. 28, 1719, "their is no terms can be kept wth. so vile a man that writes me very obliging letters and treats me so despicably in his letters to England" *etc.* With certificate by John King 8th Nov., 1722. *Copies.* $4\frac{1}{2}$ pp.

431. xv. [*?Governor Johnson to the Lords Proprietors of Carolina*] Nov. 19, 1720. Complaints against Mr. Rhett *etc.* $2\frac{1}{4}$ pp. [C.O. 5, 358. ff. 202, 203v., 206—209v., 211v.—214A, 214B, 215—217. 218—219v., 220v., 221, 222—225v., 227—232, 234—235, 236v.]

Feb. 14. 432. Mr. Popple to Mr. Attorney and Mr. Solicitor General. Whitehall. *Encloses* extract of letter from Governor Burnet, 12th Dec. 1722, in relation to gold and silver mines said to be found in New Jersey *etc.* *Continues*:—My Lords Commrs. desire your opinion in point of law as soon as may be what right and title is remaining to H.M. in the said mines, and how far the present Proprietors have the right in the said mines according to their sevl. grants. [C.O. 5, 996. pp. 119, 120].

Feb. 14. 433. *Same* to Mr. Attorney General. Again presses for Whitehall. reply to 14th June, 1722. [C.O. 5, 996. p. 120].

Feb. 14. 434. Anthony Sanderson to the Council of Trade and Plantations. *Memorialist* having receiv'd directions to appear in behalf of the Assembly of the Massachusetts Bay and several papers to justify their conduct in general, prays that in case any complaints should be exhibited against them, he may be heard before any determinations shall be made thereon. *Endorsed*, Recd. Read 14th Feb., 172 $\frac{2}{3}$. 1 p. [C.O. 5, 868. ff. 340, 341v.]

[Feb. 15.] 435 (a) Grant of the Narragansett Country to Rhode Island and Providence Plantations *etc.*, 17th March, 1643. *Endorsed*, Copied from the original grant produced at the hearing, 15th Feb., 172 $\frac{2}{3}$. $5\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 87—90v.]

[Feb. 15.] 436. (b) Copy of award by arbitrators relating to the boundaries of Connecticut and Rhode Island, 7th April, 1663. *Endorsed*, Read 15th Feb., 172 $\frac{2}{3}$. $4\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 91—94v.]

[Feb. 15.] 437. (c) Copy of letter from K. Charles II to the Government of Rhode Island relating to his appointment of Commissioners to settle the boundaries *etc.* 23rd April, 1664. *Endorsed* as *No.* (a) *supra*. $2\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 95—96v.]

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- [Feb. 15.] **438.** (d) Copy of return by Commissioners for settling the boundaries of Rhode Island and Connecticut, 4th April, 1665. *Endorsed*, Recd. 15th. Feb., 172 $\frac{2}{3}$. 3 pp. [C.O. 5, 1266. ff. 97–98v.]
- [Feb. 15.] **439.** (e) Copy of letter from K. Charles II to the Governor and Council of Rhode Island, 10th April, 1666, approving their conduct with respect to the boundary Commissioners. *Endorsed as No. (a)* 1 $\frac{3}{4}$ pp. [C.O. 5, 1266. ff. 99, 99v., 100v.]
- [Feb. 15.] **440.** (f) Copy of award of the boundary Commissioners, 20th May, 1703. *Endorsed*, Recd., Read 15th Feb., 172 $\frac{2}{3}$. 3 $\frac{1}{2}$ pp. [C.O. 5, 1266. ff. 101–102v.]
- [Feb. 15.] **441.** (g) Copies of depositions by Thomas Nichols, John Spencer, John Rice, John Lewis, Peter Crandal, Arthur Fenner and William Hopkins, relating to the *above* boundaries. *Endorsed as preceding*. 8 pp. [C.O. 5, 1266. ff. 103–107v.]
- [Feb. 15.] **442.** (h) Copy of Act of Rhode Island (1702) and Commission granted for settlement of boundaries, and award thereupon, 1703. *Same endorsement*. 8 pp. [C.O. 5, 1266. ff. 108–112v.]
- [Feb. 15.] **443.** (i) Copy of letter from the Governor and Council of Connecticut to the Council of Trade. July 15, 1680. *Same endorsement*. 3 $\frac{1}{2}$ pp. [C.O. 5, 1266. ff. 113–114v.]
- Feb. 21.
Bermuda. **444.** Lt. Governor Hope to the Council of Trade and Plantations. The cause of Edward Jones *v* Benjamin Bennet, ordered a rehearsing by H.M. Order in Council 8th Jan., 1719, was determined some days agoe, here in Chancery *etc.*, and the unanimous decree of the Court was given in favour of the defendant. A copy of the whole process was allow'd Mr. Mr. Jones under the seal of these Islands, as likewise an appeal to H.M. in Council as by H.M. Order directed. There is now no other cause depending in that Court of any consequence. I have lately publish'd the 89th Article of my Instructions, and the 5th and 6th Articles of the Treaty of Peace and Neutrality with the French in America prohibiting all illegal commerce betwixt the subjects of the different Plantations. My Lords, I don't find that ever this was publish'd here before; nor has the Collector of the Customs any directions concerning that illegal trade. *Prays* for more particular directions. *Continues*.:—There are four pyrates here now in prison which a sloop belonging to this place brought in here six days ago; He took them on board from an Island call'd Camanos, and five more of them which he put ashore on Jamaica. I cannot as yet tell your Lordships. whither it will be proper to bring them to a tryal or not; they pretend all to have been forc'd and I don't believe

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we can get evidence to disprove it *etc.* There is such a correspondence betwixt the pyrates and those people that go from hence (as well as from the other Plantations) to those Islands where they pretend to rake salt, that except there be some effectual remedy fall'n upon to break off that intercourse these parts will always swarm with those vermin. There is no Law now in force, but one way or other these people will evade with an adroitness that is surprising: I am sorry to say it, but I believe that raking of salt as we call it here, is the best trade we have. *Encloses* duplicate of last letter. *Signed*, John Hope. *Endorsed*, Reed. 8th April, Read 25th June, 1723. $2\frac{1}{2}$ pp. [C.O. 37, 10. No. 38; and (*abstract, with notes for reply*) 37, 24. p. 13.]

[Feb. 21.] **445.** Anonymous proposal to the Council of Trade and Plantations, for settling foreign Protestants in Virginia to produce hemp, flax, silk and potash. Grants to be made for transport *etc.* *Endorsed*, Reed. 21st Feb. 172 $\frac{2}{3}$, Read 18th Augt., 1724. $2\frac{1}{4}$ pp. [C.O. 5, 1319. ff. 188–189v.]

Feb. 25. **446.** H.M. Warrant appointing James Smith to the Council of New Jersey. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. p. 221.]

Feb. 26. **447.** Order of King in Council. Approving appointment of St. James's. George Burrington as Deputy Governor of N. Carolina in the room of Charles Eden decd., provided he qualifies himself as the Law directs. The Council of Trade and Plantations are to take care that good security is given for his observing the Acts of Trade and Navigation. *Signed*, Temple Stanyan. *Endorsed*, Reed. 5th., Read 13th March, 172 $\frac{2}{3}$. 2 pp. [C.O. 5, 1266. ff. 115, 115v., 116v.]

Feb. 26. **448.** Order of King in Council. Confirming Act of Jamaica St. James's. *for vesting certain lands in trustees for George Reid etc.* *Signed*, Edward Southwell. *Endorsed*, Reed. 6th, Read 30th May, 1723. $1\frac{1}{2}$ pp. [C.O. 137, 14. ff. 198, 198v., 199v.]

Feb. 28. **449.** John Ludbey to A. Popple. I have viewed ye Office and find ye front next ye Earl Stanhope's garden and ye wall may doe to be rais'd but ye front next ye back yard to be entirely rotten and not to be supported ye partitions which carry ye weight of ye roof are only carried by ye floor and nothing under them to take of ye perpendicular baring and ye floor only supported by a single post ye chimney in ye Lords' room are split below stairs and will not bear any more weight and think it will be much better to be new built then to put their Lordships to any unnecessary charge. *Signed*, John Ludbey. *Endorsed*, Reed. 1st, Read 5th March, 172 $\frac{2}{3}$. 1 p. [C.O. 388, 78. ff. 49, 50v.]

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Feb. 28. **450.** H.M. Warrant for admitting James Alexander to St. James's. the Council of New Jersey. *Countersigned, Carteret. Copy.* [C.O. 324, 34. p. 234.]

Feb. 28. **451.** H.M. Warrant granting leave of absence for one year St. James's. to Major General Charles Sibourg, Lt. Governor of Nevis. *Countersigned, Carteret. Copy.* [C.O. 324, 34. p. 242.]

March 1. **452.** Governor Phenney to Lord Carteret. *Acknowledges*
 New letter of 26th May *etc. Continues* :—The miscarriage of several
 Providence. letters I have sent home with material papers either thro' the misfortune or ill conduct of the messengers obliges me to send the bearer *etc. Recommends* for a short audience Capt. Barker, H.M. Engineer, who will deliver drafts of the fortifications necessary for the defence of the place *etc. Repeats part of March 2nd. Signed, G. Phenney. 2 pp. Enclosed,*
 452. i. ii. iii. Duplicate of Nos. 455. i., ii., vii.
 452. iv. Sketch of Nassau Harbour and Fort. *Coloured. 1 large p.*
 452. v. Duplicate of No. 455. ix.
 452. vi. Sketch of the Church at Nassau "as now a building." *1 p.*
 452. vii. Duplicate of No. 455. xi.
 452. viii. Duplicate of No. 455. viii. [C.O. 23, 13. ff. 93–104, 103A, 104A, 105A., 105–126].

March 1. **453.** Governor Phenney to Lord Carteret. *Duplicate of*
 New preceding letter. *Enclosed,*
 Providence. 453. i. Address of the Justices and Grand Jury at the Quarter Sessions held at Nassau, 29 Aug. 1722, to Governor Phenney. Express their great satisfaction under his Government. "We do most heartily wish we had the power answerable to our zeal to assist your Excellency in what is most absolute and necessary for the security and promotion of this Settlement. It is with all becoming concern that we are sensible of our loyalty and capacity being misrepresented in England, otherwise we might justly flatter ourselves His Majesty out of his known goodness would have answered the late address of us his most loyal tho' unfortunate subjects and servants wherein we pray'd his Royal leave to grant us an Assembly, for when we behold the ruinous condition of the Fort we cannot enough regret our want of an Assembly as the only adjunct to help your Excellency to repair the fortifications and other unavoidable contingencies of the Government." *Pray H.E. to interceed for them to that end. 24 signatures. 1 p.*

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453. ii. Jacob Rowe to [?]. New Providence, 20th Feb. 172 $\frac{2}{3}$. *Describes* his operations and plans for working on wrecks in the Gulf of Florida *etc.* "This opportunity is by Governor Phenny's Lady (one of the best of women) the Governor is a very complete Gentleman" *etc.* *Signed*, Jacob Rowe. *Endorsed*, R. 25: June. 3 $\frac{1}{2}$ pp.
453. iii. Address of the Governour, Council and principal inhabitants of New Providence to the King. Congratulate H.M. on safe arrival and return thanks to him as the glorious assertor of the Protestant Faith and British Liberty *etc.* *Signed*, G. Phenny and 27 others. *Endorsed*, R. 25th Sept. *Parchment*. 1 p.
453. iv. Address of *Same* to *Same*. Renew former requests for leave to constitute an Assembly, "that this Government may be put on an equal establishment with the rest of your Majesty's Colonys in America" *etc.* This will effectually enable us to proceed with more expedition in the fortifications necessary to secure this place, and by this means we shall also see the number of inhabitants increase *etc.* *Signed*, G. Phenny, and 56 others. *Parchment*. 1 large p.
453. v. Address of the Governor, Commission Officers of the Garrison and the officers of the three Companys of Militia on the Island of New Providence to the King. Congratulate H.M. upon the happy discovery "of the horrid conspiracy against your sacred person and Government. We are surpriz'd to find that humane creatures can be so infatuated to endeavour to change order into confusion, liberty into slavery, and religion into bigotry and superstition" *etc.* Nassau. 1st March, 172 $\frac{2}{3}$. *Signed*, G. Phenny and 13 others. *Parchment*. 1 large p. [C.O. 23, 13. ff. 81, 81v., 82, 83-85v., 87-88, 89v., 90, 91, 92.]

March 1. **454.** Mr. Yonge to the Council of Trade and Plantations. Replies to Mr. Rhett's charges v. 14th Feb. and asks for a short day to be appointed for the hearing *etc.* *Signed*, Fra. Yonge. *Endorsed*, Reed. 1st March, Read 10th July, 172 $\frac{2}{3}$. 5 $\frac{3}{4}$ pp. [C.O. 5, 358. ff. 280-282v., 283v.]

March 2. **455.** Governor Phenny to the Council of Trade and Plantations. I do myself the honor to enclose several papers for your Lordships' inspection, with a draft of the harbour and the design'd Church, which (the materials being arriv'd) will with God's blessing be soon compleated. *Refers to enclosed accounts of excise and tonage duties*, "in which I did all my endeavour to be a good husband. I am foret to struggle with a great many difficultys in great measure for want of an

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Assembly which the people here impatient have again addrest H.M. for." *Refers to enclosed trials of pirates etc. Continues* :— The people of Catt Island have lately quitted that remote place having been so often plunder'd and disturb'd, and now are settled partly on Islathera, others on Harbour Island and Providence. These latter came here but two days ago, and intend immediately to begin a plantation. Captain Barker H.M. Engineer will deliver your Lordships drafts of the forts and hornwork necessary for the defence of the place, and how far we have proceeded. I am designing to open a way into the center of the Island where I don't doubt finding good land for planting. Our present sett of people being mostly seafaring men have not any great notions that way. I have letters from several people of credit and substance that they will speedily come and settle here, and dont in the least question the encrease of our numbers when our fortifications are perfected, and especially if we have an Assembly. P.S. The misfortune of a limekiln not being regularly burnt has retarded our work on the King Bastion, but I shall set fire to one this week of about 7,000 bushels, which will enable us to finish it with all possible expedition. *Signed, G. Phenney. Endorsed, Recd. 13th, Read 14th June, 1723. 1½ pp. Enclosed,*

455. i. Governor of Havana to Governor Phenney. In reply to following, thanks him for having done justice to the pirates *etc.* *Signed, Grego. Guazo Calderon. Copy. Spanish. 2 pp.*

455. ii. Governor Phenney to Governor of Havana. N. Providence. 11th Dec. 1722. Informs him of execution of some of Augustine Blanco's crew, and asks that justice be done upon that pirate. Asks for return of two inhabitants of the Bahama Islands, whom Augustine forced to go with him *etc.* *Signed, George Phenney. Copy. 1 p.*

455. iii. *Same to Same.* 11th Dec. 1722. Sends an Agent to lay before H.E. the case of the sloop *Hester* that was seized by two Spanish vessels from the Havana *etc.* *Signed, George Phenney. Copy. ½ p. Nos. i.—iii. Endorsed, Recd. 13th June, 1723.*

455. iv. Minutes of Council of the Bahama Islands, 14th Feb. 1723. The Council requested H.E. to apply the money received on account of fines and forfeitures to clearing the publick debts, "not doubting that H.M. will graciously contribute such sums at least as are levied in this Government towards defraying the publick contingencies therof." H.E. consented to send home their request and an account of the fines and forfeitures and meantime to make use of the money as desired, "and if demanded from the Treasury in England, the Board can only be accountable." *Copy. 1 p.*

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455. v. Minutes of Council, 24th Feb., 1723, relating to the condemnation of the brigantine *Hanover*, formerly *Commerce*, etc. *Copy*. 2 pp.
455. vi. Minutes of Council, [—] March, 1723. Mr. Corrington is declared to be an imposter, and his place in Council ordered to be filled etc. *Copy*. 1 p. Nos. iv–vi endorsed, Recd. 13th June, 1723.
455. vii. Description of the Bahama Islands. Harbours, fortifications, numbers, militia, soil etc. as in Governor Phenney's letters *supra*. *Concludes*:—On the shores of these Islands are often found quantities of ambergrease, one piece taken up last year weighed 166 lb., and some amber. Spermaceti come in the winter, and seals to breed, each of which affords about 20 galls. of oil, which is exported to Jamaica etc. for the use of their mills. The Hawks Bill Turtle is often caught, which has the fine shell so much used in England.
- On Exuma and several other Islands large quantities of salt are naturally made every year sufficient to supply all H.M. Plantations. Our present inhabitants being mostly seafaring men, the trade chiefly consists in cutting the dye woods, which with the salt, oyl, turtle and turtle shell and fruits are exported to the neighbouring Colonys, for which sometimes the vessels belonging to No. America bring in barter several comoditys, etc. Want of an Assembly discourages the encrease of people etc. *Endorsed as preceding*. 3 pp.
455. viii. State of the Fort Nassau, 12th Nov., 1721; of repairs done since; and work and repairs needed now. *Same endorsement*. 2 large pp.
455. ix. Account of Stores of War brought by Governors Rogers and Phenney and of what remains, Feb. 28, 1723. *Signed*, John Allen, Gunner, George Phenney. *Same endorsement*. *Copy*. 3 pp.
455. x. Account of receipts and expenses for Fort Nassau, Nov. 1721–Feb. 1723. *Total*, £975. 6. *Signed*, George Phenney, W. Fairfax, Richard Thomson, Natell. Taylor, J. Cookes, Tho. Ockold, J. Howell. *Same endorsement*. 16 pp.
455. xi. (a) Trials of 11 Spanish pirates, crew of Augustino Blanco, 11th Oct. 1722. Five were hung and six, including one Englishman, reprieved. 18½ pp.
455. xi. (b) Trials of five pirates who ran away with a boat from New Providence etc. in Aug. 2., 1722. They were condemned to be hanged, but were pardoned at the desire of the Council, Alexr. Wyat the chief having brought advise formerly of the Spaniards

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invasion, enabling the Colony to put themselves into a posture of defence. 18 $\frac{1}{4}$ pp. *The whole endorsed*, Recd. 10th July, 1723, with a duplicate of covering letter. [C.O. 23, 1. Nos. 49, 49. i-xi.]

March 2. **456.** Governor the Duke of Portland to the Council of Trade
Jamaica. and Plantations. The hurry of business just after my arrivall has prevented, what my inclinations would fain have led me to to have done, which was to write to yr. Lordships. as soon as possible to return you thanks for all favours before I left England, and to desire the continuance of yr. friendship and countenance in the dispatch of what I may desire of yr. Lordships for H.M. service. I must owne that the condition I found every thing in here, was very discouraging, the hurrican which they have had, having blown down most of the houses, and damag'd the plantations prodigiously, the people have hardly as yett recover'd their fright nor their sickness, which they gott by colds after the storm, by having lost their houses, and by being expos'd to prodigious rains for some time, which finish'd the spoyling of all things they try'd to gett or save out of the remains of their habitations, butt hope that time will bring all that to rights again; I wish I could give yr. Lordships. a better and more satisfactory account of the Government, every thing has been to much and sadly neglected, the Revenue is in the uttmost disordre, justice every where neglected, and every thing that relates to the publick slighted; I have ever since my arrivall done all I could, to redress all abuses, and by the succes I have already mett with, flatter my self that in some short time every thing will be upon a better foot; I call'd the Assembly together as soon as possibly I could, that every boddy might know, the desire I had of having every thing well settel'd, and also that I might see and try the disposition people were in; as to the Publick, and my self they have answer'd my expectations, I hope itt will meet with yr. approbation, and that those laws will be confirm'd att Home particularly since by the best information I can gett, there is, under a good regulation a full and ample provision made for the Revenue. As for Coll. Du Bourgay, I am sorry to say it has not been in my power to obtain for him what he might have expected, I have try'd all manner of ways, and could not push itt further without distracting all affairs, and putting everything in the greatest confusion, and that without any hopes of succeeding. As he is returning to England, I leave to him to represent every thing himself, and also to inform yr Lordships. of severall particulars, which he will much better explain, then I can do in writting *etc.* I must say to yr Lordships. that this Island deserves more care and attention, and is of greater consequence then is generally thought, nothing shall be wanting in me to the best of my judgement and power

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what I desire is yr. assistance, and that you would be persuaded no boddy can be with greater sincerity and esteem then I am My Lords, Yr Lordships. most obedient humble servt. *Signed*, Portland, *Endorsed*, Reed. 29th April, Read 1st May, 1723. 3 pp. *Holograph*. 3 pp. [C.O. 137, 14. ff. 188-189v.]

March 2.
St. Jago de
la Vega.

457. Governor the Duke of Portland to the Council of Trade and Plantations. To prevent any reflections that might be cast on me, for not having literally conformd to my Instructions I have thought proper to send over the true reasons for my proceedings therein, which I hope will have their due weight, and meet with your Lordships' approbation *etc.* *Signed*, Portland. *Subscribed*,

457. i. Governor the Duke of Portland's Reasons for passing some Acts of Jamaica. (a) The People were very willing to make their laws perpetual, and to make in the like manner a full and ample provision for the Revenue, and it was thought adviseable in this disposition to consent to the passing the Act drawn by them, without running the hazard of trusting to their continueing in the same mind, till a draught of such Revenue Act, could be transmitted to England, for the approbation of the Lords Commissioners of the Treasury, it being impossible for one to answer for a number of people, who have formerly given too many proofs of their inconstancy. (b) As to the Law which makes a further provision for my salary, it was attempted to have a clause inserted, that it should not be in force, till H.M. pleasure was known, but they haveing no precedent of that kind, were unwilling to make one particularly, in an Act wherein they intended a favour, and a complement *etc.* *Signed*, Portland. *Endorsed*, Reed. 29th April, Read 1st May, 1723. 1½ p. [C.O. 137, 14. ff. 190, 190v., 191v.]

March 4.
Whitehall.

458. Lord Carteret to Governor Worsley. I desire the the favour of you to assist Mr. Morgan *etc.* *Signed*, Carteret. *Annexed*,

458. i. Henry Morgan desires a letter of recommendation to Mr. Worsley to countenance justice and despatch in his recovery of money for a plantation in Barbados sold by him some years since, the purchaser and Mr. Morgan's agent having both died soon after the sale *etc.* [C.O. 324, 34. p. 222]

March 5.
Whitehall.

459. Lord Carteret to Governor Hart. The Portuguese owners of a vessel taken by a pirate in Sept. 1719 and seized at Antego, having made out their claim to that ship and goods, they are to be delivered to Christopher Stoodley their Agent at Antegoa *etc.* *Signed*, Carteret. [C.O. 324, 34. pp. 223, 224.]

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- March 7. **460.** H.M. Warrant for a patent granting to Patrick Crauford St. James's. the office of Provost Marshall of the Leeward Islands, and revoking the patent of Henry Douglass. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. pp. 224, 225].
- March 7. **461.** Mr. Burchett to Mr Popple. H.M.S. *Dover*, *Deptford* Admty and *Solebay* being designed convoy to Newfoundland this Office. year, and Captain Cayley, Commander of the *Dover*, being Commadore, *enquires* for Instructions and Heads of Enquiry for him *etc.* *Signed*, J. Burchett. *Endorsed*, Reed. 8th, Read 13th March, 1723. *Addressed*. 1 p. [C.O. 194, 7. ff. 85, 86v.]
- [March 7.] **462.** Memorandum of warrants appointing Provost Marshalls of Barbados, 1714–1723. 1½ pp. [C.O. 28, 39. No. 12.]
- March 8. **463.** Representation of William Dalrymple, Receiver Auditor's General, and John Ashley Depty. Surveyor and Auditor Office. General, of H.M. Revenues in Barbados, to Governor Worsley. Complain (i) that the Custom house Officers at Barbados make seizures, prosecute and sometimes discharge them, without acquainting them; and (ii, iii.) commit other irregularities tending to fraud and corruption. *Signed*, William Dalrymple, John Ashley. 2 pp. [C.O. 28, 39. No. 13.]
- March 8. **464.** Order of Committee of Council. Referring report Whitehall. upon petition of pirates (*v.* Nov. 9, 1722) to Attorney and Solicitor General. *Signed*, Ja. Vernon. *Endorsed*, Reed. 20th Aug., Read 2nd Oct. 1723. 1 p. [C.O. 323, 8. No. 41]
- March 15. **465.** Mr. Popple to Governor Shute. Asks for copy of Whitehall. his licence to come over from New England, in order to its being entered in the books of the Office. [C.O. 5, 915. p. 358]
- March 18. **466.** Lt. Governor Wentworth to the Council of Trade and Province of and Plantations. This being the first opportunity that has N. Hamp- hapned from hence since Governour Shute embarqd. for Great shire. Brittain, where I hope he is arived in safety, I tho't it my duty to let your Lordships know that I have received H.M. Royall Instructions, from my Governour, for the better executing my office *etc.* *Continues* :—We have had little or nothing hapned since Governour Shute went home for Great Brittain, but shall at the end of our May Sessions transmit what has accurd *etc.* As to the affair of Surveyer Generall of H.M. Woods, I have heretofore given my opinion *etc.* We have had a verry open winter, so that the millmen had not an oportunity of destroying many pine-trees this season. I shall do everything in my power to prevent the cutting or destroying of them. *Signed*, J. Wentworth. *Endorsed*, Reed. 1st May, Read 4th July, 1723. 2 pp. [C.O. 5, 868. ff. 380, 380v., 381v.]

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March 19. **467.** A. Popple to Mr. Burchett. In reply to 7th March, encloses usual Heads of Enquiry for the Commodore of the Newfoundland Convoy, (v. 6th April, 1720), and Scheme of Fishery. [C.O. 195, 7. pp. 88-91.]

March 19. **468.** Mr. Dummer to Mr Popple. The Assembly of Connecticut disallowed the boundary line agreed to in 1703, for the reason that the Rhode Island Commissioners were not fully impowered, which defect the Government of Rhode Island would have made good afterwards by a post act. *Signed*, Jer. Dummer. *Endorsed*, Reed. Read 19th March, 172 $\frac{2}{3}$. 1 p. [C.O. 5, 1266. ff. 117, 118v.]

March 19. **469.** Mr. Burrington to Mr. Popple. Offers Mr Nicholas Vincent and Dennis Bond as securities in £500: *etc.* (v. 26th Feb.). *Signed*, Geo. Burrington. *Endorsed*, Reed. 19th, Read 21st March, 172 $\frac{2}{3}$. *Addressed*. 1 p. [C.O. 5, 1266. ff. 120, 120v.]

March 20. **470.** Lt. Governor Hope to the Council of Trade and Bermuda. Plantations. *Encloses* proceedings and Acts of the last Session of Assembly. (i) An Act *to prevent any person for having of netts etc* " is of no manner of consequence, but as the people are very desirous of it, I must recommend it to your Lordships. (ii) An Act *for making an addition to the salary of Governor Hope*: as it relates to myself I can say but little for it, but that I hope your Lordships won't think it too much, nor the present either which they have made me, considering the polite way they have chose to do it. I shall only desire your Lordships to observe that there is but very little money to be got here, if the Governor keeps up to his Instructions, for they wou'd have provided much better for me in their own way, and they have told me it is their intention so to do. But whether I am to accept their presents or not your Lordships only can determine. (iii) An Act *for lessening the number of the Assembly and registering the Acts*, is what I must intreat your Lordships. to get confirm'd as one of the best improvements the Constitution of this little Colony is capable of receiving. The Assembly now consists of 36 representatives, paid by a parochial tax. It is scarce possible to get as many men upon the Island at one time who are really capable of understanding what publick business means, so that it has been and is very often obstructed (especially in the afternoons): besides, the manner of paying them is a heavy burthen upon the poorer sort of people, who really are able to bear none. Whereas this new Act reduces the number to 18, which will always be the better sort of people, and the charge is brought upon the publick. I hope your Lordships will at present forgive my not explaining the rest of the particulars

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contain'd in the proceedings of the Assembly, for I am now preparing copys of the publick aects. to be transmitted by the next vessel, when it will be much more proper because of their relating to one another. *Begs* for dispatch in confirming above Acts *etc.* *Signed*, John Hope. *Endorsed*, Reed. 1st May. Read 25th June, 1723. $2\frac{1}{2}$ pp. [C.O. 37, 10. No. 39; and (*abstract, with notes for reply*) 37, 24. p. 14.]

March 20. **471.** Lt. Governor Hope to Lord Carteret. *Duplicate of*
Bermuda. *preceding.* [C.O. 37, 28. No. 16.]

March 21. **472.** A. Popple to Mr. Lowndes. Encloses following.
Whitehall. *Concludes*: My Lords Commrs. for Trade and Plantations observing that the Deputy Governors have not regarded that Instruction which directs them to give bond to H.M. that they will not during their continuance in their Government trade as merchants for themselves, or as factors for others in any goods *etc.*, have therefore thought fit to insert this Instruction in the bond inclosed, *etc.* *Set out*, N.C. Col. Rec. II. 480. *Enclosed*,

472. i. Draft of bond for sureties for Lt. Governor Burrington for due observance of the Acts of Trade. [C.O. 5, 1293. pp. 276-280.]

March 21. **473.** Mr Popple to Mr. West. I am to desire your opinion
Whitehall. in point of law upon enclosed Act [of New Jersey] *for vesting the lands late the estate of Robert Burnet etc.*, and to remind you of the several references from the Board now lying before you, and to desire you would dispatch your report thereupon out of hand. [C.O. 5, 996. p. 121.]

March 21. **474.** *Same* to Mr. Attorney and Mr. Solicitor General.
Whitehall. Presses for reply to 14th of Feb. [C.O. 5, 996. p. 122.]

[Mar. 21.] **475.** Petition of London Merchants trading to Placentia to the Council of Trade and Plantations. *Complain* of trade carried on by Officers of Garrisons in Newfoundland, and more particularly by Saml. Gledhill, Lt. Governour of Fort Frederick in Placentia, who for several years last past, and particularly the last year carryed on the fishing trade and other the employ attending the same in all its branches, having employ'd severall ships of his own and on his particular account freighted with goods from thence to foreign parts. The power being chiefly vested in him prevents petitioners and other traders from obtaining their just debts. Petitioners are by these proceedings highly injur'd prejudic'd and damnify'd *etc.* *Pray for relief.* *Signed*, Saml. Baker, Solomon Merrett and 10 others. *Endorsed*, Reed. Read 21st March, 172 $\frac{2}{3}$. 1 p. [C.O. 194, 7. ff. 173, 173v.]

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- [Mar. 21.] **476.** Petition of Mayor and Merchants of Poole to *Same*. Similar to preceding. *Signed*, Timo. Spurrier, Mayor, and 56 others. *Same endorsement*. 1 p. [C.O. 194, 7. ff. 174, 174 v.]
- March 22. **477.** Council of Trade and Plantations to the Committee of the Privy Council. *Summarize* case of boundary dispute between Connecticut and Rhode Island (v. 19th Jan. 1722), and suggest that the two Colonies should voluntarily submit themselves to H.M. immediate Government and be annexed to New Hampshire. (v. A.P.C. III. pp. 10, 11.) *Annexed*,
 Whitehall. 477. i. Map showing the western boundary line between Connecticut and Rhode Island according to the Charter of Rhode Island. *Cf.* The map reproduced A.P.C. III. *Appendix V*. [C.O. 5, 1293. pp. 280–296. A.]
- March 22. **478.** Council of Trade and Plantations to the Lords of the Admiralty. Governor Philips having represented to us the advantage it would be to the Fishery of that place, if one of the men of war appointed for the Newfoundland convoy this year, were directed to cruise between Canço and Cape Sables, that Fishery having been last year interrupted and in danger of being broke up, by the rumour of the pyrates being on the coast *etc.*, we give your Lordps. this information, that you may give the necessary orders before the ships sail. [C.O. 218, 2. pp. 32, 33.]
 Whitehall.
- March 22. **479.** Order of Committee of Council. Referring to the Lords Commissioners of the Treasury report, memorial and paper of reasons relating to the remitting of quit rents *etc.* in the two new frontier counties of Virginia. *Signed*, Jas. Vernon. *Endorsed*, Reed. 20th Aug., Read 2nd Oct., 1723. 1½ pp. [C.O. 5, 1319. No. 25.]
 Whitehall.
- March 23. **480.** Lords of the Admiralty to the Council of Trade and Plantations. *Reply to 22nd*. We have sent orders to the Comander in Chief of the Newfoundland convoy to appoint one of the ships of war sent thither, to cruise between Canso, and Cape Sables, for protecting the Fishery there, at such times as it may be conveniently done, with regard to the security of the Fishery at Newfoundland in general. *Signed*, Jo. Cokburne, W. Chetwynd, Jno. Norris. *Endorsed*, Reed., Read 23rd March, 1723½. 1 p. [C.O. 217, 4. ff. 180, 181 v.]
 Admiralty Office.
- March 23. **481.** H.M. Warrant appointing William Seabrook Clerk of the Markets at Antegoa *etc.* *Signed*, Carteret. *Memd. in margin* that this warrant was not executed. *Copy*. [C.O. 324, 35. pp. 9, 10.]
 St. James's.

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March 24. **482.** H.M. Warrant appointing Major Richard Holmes to the Council of St. Christopher's in the room of Geo. Lyddell decd. *Countersigned, Carteret. Copy.* [C.O. 324, 34. p. 228.]

March 25. **483.** Capt. Orme to [*Mr. Burchett*]. Honble. Sir, Be pleased to acquaint their Lordships, upon my arrival at Barbados 6th Dec., we had a flying report, that the French design'd to oppose a settlement we were going to make on St. Lucia, but it was believ'd rather to spring from envy of some there, who were enemies to this design, than matter of fact. The 15th following I sail'd to the aforesaid Island, in company with the vessels which came out with me, the day after we anchor'd in a bay called Pigeon Island Bay, but that not being thought a proper place for settling, we resolv'd next morning to sail more to Leeward. Whilst lying here, there came in a sloop, the master whereof told me he came from Martinico, and that he had got a copy of the extract of the King of France's orders to the Chevalier de Fuguier *etc.* to this purpose, that whereas the Islands of Sta. Lucia, and St. Vincents, were about to be settled by the English, to whom they belong'd not, the former belonging to the Crown of France, and the latter left in possession of the Caribbeans, he is therefore to intimate to the English, so soon as they should begin to settle upon Sta. Lucia, that they should depart thence in fifteen days, which if they did not, he was to oblige them thence by force of arms, but without plundering, or effusion of blood if possible. Dated Versailles Sept. 21st., 1722. The Governour and Officers belonging to the Island still believed this to be false, and that it was only a stratagem used by the French, to hinder the English from settling, as that would be very hurtfull to their trade and island. Next morning we sail'd about two leagues to leeward, where is a commodious and safe harbour called the Pettite Carnash; the north side of this, the Governour and Officers, pitch'd upon for building a fortification; accordingly they went ashore, and after clearing away the trees and bushes, they hoisted the Union Flagg, and apply'd themselves to raise defences for their preservation. On 22nd Dec. came in H.M.S. *Hector*, as also a French sloop from Martinico, having on board two Officers from the General in that place, to notify the King of France's orders, and to warn the English to depart in fifteen days. On 25th Dec. there was a sloop sent to St. Vincents, with one of his Grace's Officers, to notify to the Indians, mallato's, and negro's on that Island his Grace's Declaration in favour of them, wherein was proffer'd them the same immunities and privileges as free-born subjects of Great Britain, in case they would submit themselves to the Duke's Government; And that they would give their assistance, in the defence of either of the two Islands, in case they should be attack'd, and when the Governour of the said Islands shall demand it: The said Officer returned some

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days after, but his embassy tended little to the satisfaction, or encouragement of this new Colony. On 28th Dec., I heard there was several French landed in Shock Bay, about a league and half to windward were we lay. That afternoon I sent my Lieutenant to know the truth thereof, who brought me an account that he see about 100 men in arms, and that they said they were going against the Pirates. The day after there was a more strict demand of their design, which their Commanding Officer said was against the Pirates, and that they were fitted out at Martineco to that purpose, but whilst at sea their ship sprung a leak, and carried away a topmast, that they put in here to cut wood, and search for the runaway negroes, and to remain here till their ship was refitted at Martineco, and returned here to them, showing a Commission from their General for the same. Notwithstanding these pretences, their design was too plain to be deceiv'd and we was not ignorant, their drift was only to land a sufficient number of men, to oblige the English to abandon the Island, so soon as the fifteen days was expired. I weigh'd from the Carnash, and anchor'd in Shock Bay, and wrote a letter to the Commanding Officer, that I was not to be deceived in his design, and assured him, I would for the future endeavour to prevent his communication with Martineco, and his having a further supply thence. I gave chace, and endeavour'd to speak with every vessel I see, particularly with some French sloops, whom I believ'd to have soldiers aboard to land on this Island, but they upon seeing me, went back to Martineco, which answer'd my purpose, not having any other design, than to frighten them, my orders not warranting me to proceed any further. The 3rd Jan., 1723, I spoke with a sloop belonging to Barbado's, which came from Martineco, the Master whereof told me, that at his departure from that Island, which was the day before, he was advised by some merchants there, he had left that place, lest he should have been seiz'd in their harbour; that there was fifteen sail of sloops, each having an hundred men aboard, ready to sail for St. Lucia, and one had a white flag hoisted at her mast-head. I immediately sail'd for the Petite Carnish, to inform the Governour and others thereof; the news was a great discouragement to the Colony, whose number was not above one hundred and twenty, and a great many of these mutinous, and ready to desert upon the first opportunity, as did about thirty of them a little time after. The Governour and Council petition'd Capt. Brand and I, to lend them an hundred men as a reinforcement, but that being impracticable to be done, without endangering H.M. ships, we deny'd it, however proffering all the service and assistance in our power. The French landed about 1600 men, under the command of the Marquess de Champigny Governour of Martineco; the vastness of their number, left the English no hopes of maintainning their Colony, so that they now thought only of making an honble.

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retreat, and began to dismount the great guns, which were plac'd on a hill above the main fort, and settlement, lest the French should surprize them and use these guns against themselves, and ships that lay in the harbour. The Governour and Council sent to the Marquiss de Champigny, that he would send an officer to treat with them, which was accordingly done, and Articles drawn up and mutually sign'd, which I have here sent you inclosed. Before the fifteen days were expired Captain Brown came in here. At the expiration of the seven days, according to agreement in the Articles, we left the Island, I having in company a sloop belonging to the Duke of Montague, sail'd with the Lt. Governour to St. Vincents, to try what was possible to be done with respect to the settlement of that Island. Capt. Brand, in the *Hector*, being bound for Antegoa, where was the Duke's Agent, took in his company the ships having the Governour and people belonging to St. Lucia. When I arriv'd at St. Vincents, I endeavour'd to come to an anchor, but the Island is so ill accommodated for this purpose that almost everywhere there is fiftyfathom water within a cable's length of the shoar; so I brought to at a distance, and the Lt. Governour went in my boat to go ashore and invite the Indians to come off and treat with him. At first they took us to be a pirate, and had a party of men lying in the woods ready in case they should be attacked. But not being a great number of Indians at this place, we sail'd more to Leeward, where I found one bay where I could anchor. I sent ashore here to have some water, where was a great number of Indians, arm'd with bows and arrows, knives, sticks etc. who refused to let me have water unless I paid for it. The reason was some French had been with them, and infus'd into their heads, that the English came now only as spy's to view their Island, and that their design was in the end only to trick them and destroy them; and further, that if they enter'd into any Articles with the English, or accepted of any presents from them, the French would come, and carry them all away captives to Martineco. The Lt. Governour us'd all means to have one of their Chiefs come off and treat with him, which there did, but to little purpose, and refus'd to accept of some presents he proffer'd him, lest the French should know of it. The settlement of this Island cannot easily be effected, without procuring the inhabitants to be our friends, which in my opinion will be very hard to do, since they are so intimate and well acquainted with the French, that most of them speak that language, and a great many of them have been baptized in the Catholick Faith. On board of my ship one of them repeated their creed in French, and some part of their Liturgy in Latin. But granting this impediment remov'd, there being no commodious harbours in this Island, renders it scarce deserving of a settlement. From St. Vincents I sail'd for Martineco, to demand the English

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desertors according to agreement. The General said he would deliver what of them could be found ; but seem'd indifferent whither they were found or not ; I left there his Grace's sloop with the Lt. Governour of St. Lucia, to take them on board, and sail'd for Barbado's, intending to accompany the store ship with the Duke's people, which then we heard were arrived there ; but at my coming to Barbado's, I found she was already sail'd for Antegoa where I followed soon after, and I carried with me several of his Grace's people which belong'd to that ship but were left behind. As often as any of the ships belonging to his Grace come here, I shall come up to convoy them down ; when that service is over shall cruize about the Leeward Islands till their Lordships' further commands. I should have sent you this advice sooner but never before had an opportunity. *Signed*, Hy. Orme. *Copy.* 8 pp. [C.O. 28, 44. ff. 31-34v.]

March 25. **484.** Petty expences of the Board of Trade from Dec. 25, 1722-March 25th, 1723. *v. Journal of Council.* 5 pp. [C.O. 388, 78. ff. 53, 54, 57, 58, 61, 62.]

March 26. **485.** Declaration of Nicholas Martin, merchant, of St. London. John's, that Lt. Govr. Gledhill purchased goods from the supercargo of the *Prosperity* to the value of £300 *etc.* *Signed*, Nichos. Martin. *Endorsed*, Reed. (from Mr. Samuel Baker) 29th March, Read 4th July, 1723. 2½ pp. [C.O. 194, 7. ff. 180-181v.]

March 26. **486.** Governor Worsley to the Council of Trade and Planta- Barbados. tions. I arrived here the 19th of January last, when I summoned the Council, in which I was sworn *etc.* *Continues :* I find great abuses have crept into the Trade an illegal one having been carried on from several parts hither, but especially from Martinico, I shall use my utmost indeavours to redress this grievance ; I have already caused some sloops to be seized, and condemned, and, I am told, there has been more seizures since my arrival then has been made for several years before. To prevent the sloops from running their goods on shoar, as they may in several parts to leeward of this Island, I ordered one of the sloops, that had been seized and condemned, to be man'd by six white men, who do likewise row in the Custom house Officers' boat, instead of blacks, who cannot do that service so well, in that upon any seizure they are not allowed to be witnesses, the expence will not be much to H.M. besides the maintaining the third part of the sloop, the other two parts being at my expence and the Custom house Officer that seized her, we having equal shares with H.M. in her ; this I have done with the sole view of H.M.'s, and the publick good, for she will be in the nature of a guarda costa, and when any ship, or vessel lay hovering upon the coast, as is usual, for several days together,

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to find an opportunity of running their goods in some creek, or bay in the night time, this sloop will be able to attend them, which an open boat, that the Custom house Officers were allowed before, could not do. Mr. Dalrymple, H.M. Casual Receiver, has made objections to this, in that he can't allow of H.M. share in this sloop to be thus disposed of, without H.M. consent, and has made a complaint to me upon this head, and others against the Custom house Officers, which the latter, I think, have answered very fully ; but as I have not time to get copys drawn of them before the ship that carries this sails, I must defer it till the next opportunity, and I have let Mr. Dalrymple know, that if he can't give his consent for the employing H.M. share in this sloop, he may, at any time, send to the Custom house Officer for H.M. part of the money she was appraised at. Nothing but the absolute necessity there was of having something of this nature, could have induced me to have done it, and it has already had some good effects : But if there was a sloop of ten, or twelve guns with twenty men allowed of, and to be solely under this Government's orders, to visit all ships or vessels that come upon this coast, as the French have at Martinico, I dare venture to say I would prevent all illegal trade here. Nor can I think of any other method that can do it. One of the unlawful branches of the trade, that has been carried on here, as I am informed (tho' 'tis very difficult to learn the truth from people whose interest it is to conceal it) has been from Holland, and Ostend by British ships, who load there Indian commoditys, and forbidden European goods, and clear out afterwards from some port in England, or Ireland, for the Plantations. Another abuse, is, from the Northern Colonys, whence several vessels trade directly for Martinico, and supply the French with lumber, horses, and other commoditys necessary for their sugar-works, without which they could not make so great a quantity of suggar as they do : And in return these vessels take the French mollasses, which otherwise would be flung away ; And, I am told, there is now in New York, no less than sixteen distilling houses set up, which are wholly supplied with mollasses from Martinico. The consequence of this must be the ruin of this Colony, if not timely prevented. Hence Martinico is grown extreamly populous, and rich within these few years ; and whenever they want provisions, or any of our commoditys, they encourage our vessels to carry it to them, and when their want is supply'd they seize all that come upon their coasts, at no time allowing any of our manufactures to be imported. Monsieur Champigny, Governour of Martinico, lately sent hither a French-man, under pretence of seeing this Island, but I having cauzed him to be seized, with his papers, I found he had an order, from the said Champigny, to buy here 800 barrils of flower, but was restrained from trading in any other commodity. I am informed by a master of a sloop, lately

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arrived from Martinico, that there was there two French men of war one of 26 guns, the other of 14, and a sloop, all lately arrived from France. The Assembly, by the power given them in my 28th Instruction, of settling what they should think proper upon me, has past an Act, allowing me £6000 sterling per annum, which Act, with the Minutes of Council, and Assembly I cannot send to your Lordships by this ship, in that the Clerks of the Secretary's Office had copyed them according to the old form without a margent, in which they are, according to my Instructions, to be abstracted; therefore I have ordered them to be copied over again, and hope in a week's time to have an opportunity of sending them. *Signed*, Hen. Worsley. *Endorsed*, Reed. 11th, Read 12th June, 1723. 8 pp. [C.O. 28, 17. ff. 296-299v., 300v.]

March 26. **487.** *Same* to Lord Carteret. *Announces arrival etc. as*
Barbados. *preceding. Continues:* Tho' I found this country in a very distracted condition, I have hopes their animosities against each other will in a little time cease, and that they will turn their thoughts towards the good of the publick more than the party quarrels have of late allowed them to do, which has almost ruined the Island; for this Governments debts do amount to near £40,000. The fortifications have been intirely neglected, and are much out of repair, besides the want of guns, cariages, small arms *etc.* of which I hope to be able by the next opportunity to send your Lordship a particuar state. *Continues as preceding with regard to illegal trade and the Act of Assembly, adding:*—I shall not trouble your Lordship with any account of the disappointment the Duke of Montagu's people met with at Sta. Lucia, and off their being forced off of that Island, for as it happen'd before my arrival, I know nothing but by hearsay, except a letter I received from Monsr. de pas Feuquiere, Governor of the French Windward Islands, with a copy of Mr. Uring's letter to him, and of his answer, of which I have inclosed to your Lordship copys, as also of my answer to Monsieur de pas Feuquiere. *Signed*, Hen. Worsley. *Endorsed*, Rd. June 7th, Rd. at Hanover, 27th N.S., 1723. 10 pp. [C.O. 28, 44. ff. 25-29v., 30v.]

[Mar. 26.] **488.** Petition of John Burnet, merchant, to the Council of Trade and Plantations. Asks for report to H.M. upon Act of New Jersey *for vesting the estate of Robert Burnet in trustees etc.* *Endorsed*, Reed. 26th, Read 27th(?) March, 172 $\frac{2}{3}$. $\frac{3}{4}$ p. [C.O. 5, 972. ff. 68, 74v.]

March 27. **489.** Lord Carteret to Lords Commissioners of the Treasury.
Whitehall. Mr. Ayon having represented his services *etc.* when Governor Parke was murdered, and losses thereby, and that he was five years attending the prosecution of the persons tryed for that

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murder, being allowed only 5s. a day for his subsistence *etc.*, and is thereby very much reduced in circumstances, H.M. is pleased to grant him a pension of £100 a year *etc.* Signed, Carteret. *Copy.* 1 p. [C.O. 152, 40. No. 3.]

March 29. **490.** Council of Trade and Plantations to the Lords of the
Whitehall. Committee of the Privy Council. *In reply to* 1st Feb., *enclose*
following draught to be laid before H.M.: "We are of opinion
that an Instruction to this purpose should be sent to all
Governors to whom the same has not yet been given."
Annexed,

490. i. H.M. Additional Instruction to Governor Shute.
It is Our Will and pleasure that you do not give your
assent to any private Act until proof be made before
you in Council (and enter'd in the Council Books)
that publick notification was made of the parties
intention to apply for such Act in the several Parish
Churches where the premises in question lye, for three
Sundays at least, successively before any such Act
shall be brought into the Assembly; And further
you shall take care that for the future you do not pass
any private Act without a clause inserted therein
suspending the execution of such Act until Our Royal
approbation shall be had thereof. *Mem.* A like
Instruction was sent to Governors Burnet, Lord
Orkney, Genl. Nicholson, Lord Baltemore, and Sir
Wm. Keith, Depty. Govr. of Pennsylvania. [C.O.
324, 11. pp. 6-9.]

[Mar. 29.] **491.** (a) Extract of letters from Peter Signac, merchant in
Placentia, to Samuel Baker merchant in London, Sept. 1720, and
1721. Our Governour trades much and does us a great deal of
wrong *etc.*

(b) Copy of Bill of Exchange for £100 alleged to have been
drawn by Lt. Governor Gledhill, Jan. 1720, for purchase of
Madeira wines *etc.* Signed, Samuel Baker. Certified by
Richard Wise, Not. Pub. *Endorsed,* Reed. (from Mr. Baker)
29th March, Read 4th July, 1723. 2 $\frac{3}{4}$ pp. [C.O. 194, 7. ff.
178-179v.]

March 30. **492.** H.M. Warrant to Governor Phenny authorizing the
St. James's. use of a new Seal of silver (*described*) for the Bahama Islands.
Concludes: In case the sd. Seal cannot be got ready so soon
as there will be occasion to make use thereof, We have ordered
impressions in lead to be made of that side only on which are
our arms and titles *etc.* *Countersigned,* Carteret. *Copy.* [C.O.
324, 34. pp. 229, 230.]

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March 31.
N.
Providence.

493. Governor Phenney to Col. Martin Bladen. Mr. Fairfax observing that the offices of Judge of the Admiralty and Collector of the Customs were inconsistent with each other when united in one person *etc.*, is willing to surrender the aforesaid office. *Asks for* his favor in getting the King's sign manual for him to have a patent as Secretary of the Island. The cause of the brigantine lately seized was much prolonged because Mr. Fairfax, who seized it, could not properly be judge thereof, so was obliged to prosecute in the Court of Common Pleas *etc.* *Signed*, G. Phenney. *Endorsed*, Reed., Read (from Col. Bladen) 28th June, 1723. 1 p. [C.O. 23, 1. No. 51].

April 2.
London.

494. Mr. Yonge to Mr. Popple. *Prays for* a short day for hearing Mr. Rhett's petition *etc.* (v. 14th Feb. and 1st March); for though Rhett has been some time dead, yett General Nicholson's honour and that of the Judges, Jury *etc.* of Carolina is asperced *etc.* *Signed*, Fra. Yonge. *Endorsed*, Reed. 2nd April, Read 10th July, 1723. 1 p. [C.O. 5, 358. ff. 344, 345v.]

April 5.
Treasy
Chambers.

495. H. Walpole to Mr. Popple. *Requests* copy of Act and Address of Assembly relating to the settlement of two new counties in Virginia *etc.* *Signed*, H. Walpole. *Endorsed*, Reed. 8th, Read 10th April, 1723. *Addressed*. $\frac{3}{4}$ p. [C.O. 5, 1319. No. 20.]

April 9.
Antegoa.

496. Governor Hart to the Council of Trade and Plantations. Nothing has happened in the Islands of this Government since my last of the 2nd of Feb., except that it has been the pleasure of Providence to give them such seasonable weather after four months draught, that there is now the prospect of finishing the greatest crop of sugars that has been made for many years; But our neighbours of the French Nation at Martinique and Guardeloupe, ever since the surrendering of the Island of Sta. Lucia, take all advantages of makeing prize of such ships and vessells of the British Nation that approach the coasts of those Islands; I have wrote to the Governour of Martinique Monsieur de Pas Feuquires, on behalf of the masters and owners of such vessells as have been so taken by the French; But his answer is that what relates to trade belongs to the Court of Admiralty of which he has no cognizance, so that our traders who are so unfortunate to fall into their hands are left without redress, of which I gave an instance in my letter of 20th Jan., and now lay before your Lordships the barbarous treatment that was offered to Habbijah Savage, master of a Bermuda sloop *etc.* *Refers to enclosures.* *Continues* :—I submit it to your Lordships' consideration, whether such measures ought not to be taken that the French Governours of Martinique and Guardeloupe may be restrained from injuring the lawfull trade and thus abusing the subjects of Great Brittain. Those Governours

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knowing very well, and as I am informed often say the British Governours in these parts can make no reprizals, and when any remonstrance is made of their violating the Treaties of Peace, they make frivolous excuses, and still pursue their seizures of ships and vessells and condemning them to their own use. I am under the utmost concern, that I am not able to relieve these poor Masters that are thus destroyed, and I am apprehensive if the French go on with these depredations, without restraint either by commands from the Court of France or by such measures as H.M. shall think proper to take, it will greatly affect the beneficial trade of the West Indies; and therefore humbly desire to have your Lordships' commands on this head as soon as conveniently may be. My Lords, I inclose to your Lordships three Acts lately past at the Island of Antegoa. The first, intituled an Act to repeal a certain Act concerning negroes. The reasons for passing this Act are, that by the Act repealed, to prevent negroes carrying on a trade in stolen goods between the town and country liberty was given to any person to seize the goods, provisions or whatever they found with a negro not having a ticket from his master, which the next Justice was obliged to condemn to the use of the person making the seizures. On colour of this law, confederacys of idle persons were enter'd into, one of whom would demand a negroes ticket; if he had none the seizure was made; if he had one it was taken and torn, and then the negro unavoidably fell into the hands of the others, who way laid him at some distance and plundered him for want of it. And this practice was so frequent that no negro could pass with security with any goods of his masters or his own and it was high time to repeal a law so mischievously perverted. The second, to repeal a certain Act, by which William Nivine was appointed Agent. My reasons for passing this Act are: At the earnest instance of the Council and Assembly, who urged, that it would be very hard, if they might not have the choice of their own Agent, which I thought reasonable, provided they would take immediate care to discharge the great arrears that was due to him as Agent, which they have done in the inclosed tax Act. I must do Mr. Nivine the justice to say that he has done the most important services for the Island of Antegoa of any Agent that was ever employed for any Colony in the British Dominions, altho' those services are now forgot to make way for some Gentleman of their own body. The third, for raising a tax for paying publick debts and charges and particularly applying the said taxes. This Act is the usual tax bill for defraying the exigences of the Government and discharging of the publick debts, in which there is nothing new or different from the annual tax bills, unless it is that they have raised twelve shillings per head on all negroes in the Island in order to discharge their publick debts, some of which have been contracted for twenty years past: and I am in hopes to see

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with a much less tax next year entirely cleared ; and then this Island will be enabled to provide for their better security in case of a war with France, which I have always in view. My Lords, Having dispatcht all publick affairs at Antegoa, I am preparing to make a kind of circuit through the several Islands of my Government, which I find an absolute necessity of doing every three or four months, for which I offered your Lordships my reasons in my last, and I hope they were to your satisfaction, as they are intended for that of the people over whom I have the honour to preside. *Signed, Jo. Hart. Endorsed, Reed.* Read 21st June, 1723. 6 pp. *Enclosed,*

496. i. Capt. Brathwaite to Governor Hart. St. John's, Antigua, 14th Feb., 1723. During my stay at Martinique when I went to claim the servants of the Duke of Montagu carried by the French to that Island, several masters of English vessels complained they were brought there by armed sloops, calling themselves guards of the coast and they pretend to a commission from the General of Martinique for that end. But under that pretence take all English vessels they can overcome whether near the coast or at sea. And as they have no maintenance but what they can get by rapine and plunder ; commit such acts of violence to force the masters to discover how much and where their money is and likewise very often force them to sign papers or confessions of trading for their condemnation ; and in case they refuse torture them in such a manner the like we have seldom heard of pyrats *etc.* *Refers to following.* Mr. Savage and his crew I brought up with me after they were let out of prison *etc.* *Signed, John Brathwaite. Same endorsement.* *Copy.* 1 p.

496. ii. Deposition of Habbijah Savage, of Bermudas, Mariner. Antigua, Feb. 13, 1723. Bound from St. Eustatia to Grantire in the sloop *Postillion*, he was on 2nd Jan. last past taken by a sloop called the *Postillion* commanded by M. D' Buke, appointed Guard d'coast to the French Islands. D' Buke striped him and his crew of all their apparel except what they then wore. D' Buke carried this deponent with his sloop into Martinique and in his passage thither the Lieut. of said sloop asked deponent for the money he had brought to purchase his cargo to which this Deponent answered that he had none for that purpose. The Lieut. ordered four lighted matches to be put between deponent's fingers and stood by him with his pistol cocked to his breast, threatening to blow out his brains. After some time, one of the men belonging to the French sloop told the Lt. that the barbarity he used was more than

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he could answer *etc.* Deponent and all his men were imprisoned at Martinique and his sloop condemned. He was kept prisoner 11 days and then discharged with his men. *Signed*, Habbijah Savage. *Endorsed*, Reed, Read 21st June, 1723. *Copy*. 1 p. [C.O. 152, 14. ff. 204–206v., 207v.–209, 210v.]

April 9.
Barbados.

497. Governor Worsley to the Council of Trade and Plantations. *Encloses following*, and Journals of Council and Assembly of Barbados, referred to 26th March, and Act for supporting the honour and dignity of this Government. *Signed*, Henry Worsley. *Endorsed*, Reed. 11th, Read 12th June, 1723. 1 p. *Enclosed*,

497. i. Address of the Governor, Council and Assembly of Barbados to the King. 20th March, 1723. As we can't but stand amaz'd at the monstrous wickedness of any of our fellow subjects, in forming a conspiracy in favour of a Popish Pretender, against a Prince, the whole course of whose administration speaks him design'd by Providence for the good of mankind in general, and the welfare of his subjects in particular ; So we want words to express the joy we lately felt at the timely discovery of that horrid attempt *etc. etc.* None of your Majesty's loyal subjects are able to conceive a greater abhorrence of these hellish practices than we do *etc.* *Signed*, Hen. Worsley and 7 Members of Council ; George Forster, Speaker, and 14 Members of Assembly, and Passed the Council and Assembly unanimously. *Endorsed*, as preceding. 8 pp.

497. ii. Address of the Council and Assembly of Barbados to the King. *Return thanks* for appointment of Governor Worsley, " a Gentleman whose consummate experience in men and things, whose judgment, integrity and (which is most endearing to us) whose happy temper, give us all imaginable assurances that under him our divisions will be no more, Justice have its due course, and Peace and Plenty even yet, revive among us " *etc.* *Continue* : That we may not appear to be entirely unworthy of this last instance of H.M. incessant care for the good of his subjects, we are now unanimously determin'd with the closest application to join with and second our Governor in his most generous intentions for promoting the welfare of this Colony *etc.* *Signed*, Geo. Forster, Speaker, and 18 Members of Assembly and 8 members of Council. *Endorsed as preceding*. 2 $\frac{3}{4}$ pp. [C.O. 28, 17. ff. 301, 302v.–304v., 305v.–307v.]

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April 9.
Barbados.

498. Governor Worsley to Lord Carteret. *Encloses Act* “by which the Assembly has settled on me £6000 sterling annually, which, considering the expence of living in this country, is not an extraordinary sum to anyone who will support the dignity of the Government” *etc.* *Encloses Journals of Council and Assembly*, “as well as a representation of the Custom-house Officers setting forth that a new custom, prejudicial to H.M. Revenue, had been practised here by order of the late President Mr. Cox, upon which I restored the ancient custom, whereupon Mr. Dalrymple, Receiver of H.M. Casual Revenue, and Mr. Ashley, Deputy Auditor General, made a representation to me against the Custom-house Officers for their late manedgment, which indeed, upon their representation, I had directed them in part to do, in that I thought it for H.M. service. The Custom-house Officers have answered this representation, with depositions” *etc. enclosed.* *In accordance with the 100th Article of my Instructions etc (quoted, v. 24th Aug., 1722)* upon the sloop *Philip’s*, William Sutherland Master, arriving here from the coast of Guinea, and having two negros, a boy and a girl, which were put on board of him by a pirat, I had them seized and secured, and after condemnation I ordered Mr. Dalrymple to sell them publickly, in that they are perishable goods. Whereas by the abovesaid Article I am responsible for the produce of such effects, till H.M. pleasure might be known I most humbly begg to know H.M. orders in relation to them, as also, for my futur conduct, in cases of the like nature, if I may order such effects to be secured by such person, or persons as I may appoint, or if I must deliver them into the hands of H.M. Casual Receiver. I have the honour to transmit to your Lordship two Addresses to H.M. (*v. preceding*); the other Addresses to me from the Assembly, I do not trouble your Lordship with a particuler copy of, in that they are, together with my answers, in the Minutes of Council and Assembly. The first instant Capt. Elford, Commander of H.M.S. the *Lynn* died, and his eldest Lieutenant Mr. Killigrew was put in possession of the ship. *Signed, Henry Worsley. Endorsed, R. June 27th N.S. 5 pp. Enclosed,*

498. i. Deposition of Henry Lascelles, Collector, Barbados. 25th March, 1723. Nicholas Hope, Attorney at Lawe, charged a fee of £4 7s. 6d. for exhibiting an information in the Court of Vice-Admiralty against the sloop *Endeavour* seized by deponent in March, 1721. Other solieitors have been paid no more than £3 15s. and deponent told Hope that he apprehended he was to have no more for his fees than 4 p.e. on the condemnation, but Hope said he was to be paid his usual fees besides, which deponent paid. *Signed, Henry Lascelles. 1½ pp.*

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498. ii. Mr. Hope's receipt for fees as in preceding. *Signed*, N. Hope. $\frac{3}{4}$ p.
498. iii. Deposition of George Maxwell, Searcher, Barbados. 25th March, 1723. Upon the condemnation of the sloop *Nancy*, the Governor directed deponent to keep the sloop for the use of the Customs, and to pay William Dalrymple, Receiver of H.M. Casual Revenue, H.M. third part of the appraisement. Dalrymple refused to accept the money, declaring that he was satisfied that the sloop shd. be kept for H.M. use. Upon deponent's putting up for sale some arrack seized on the sloop *Golden Fleece*, Dalrymple demanded H.M. third in specie, which deponent delivered by his order to Alexander Dundass *etc.* (v. 26th March). *Signed*, J. Maxwell. $3\frac{1}{2}$ pp.
498. iv. Inventory of Sloop *Nancy* referred to in preceding. Appraised at £75. 22nd Feb. 1722(3). *Copy*. 1 p.
498. v. (a) Mr. Dalrymple's order to Mr. Maxwell to deliver H.M. third part of arrack referred to in preceding to Mr. Dundass. 5th March, 1723. *Signed*, Wm. Dalrymple.
(b) Receipt for said arrack. 6th March, 1723. *Signed*, Alexander Dundass. *Copy*. $\frac{1}{2}$ p.
498. vi. Deposition of John Stevens, Controller of H.M. Customs, and John Hinton, Waiter, Barbados. 25th March, 1723. For 18 years it has been the practice for Custom-house officers to sell condemned goods, after appraisement and notice given, at public vendue at the Custom House *etc.* In Mr. Cox's Presidentship, however, the Marshall of the Court of Admiralty claimed a right to sell all goods condemned there, and was favoured in his pretention by the President and Mr. Dalrymple *etc.* *Signed*, Jno. Stevens, Jno. Hinton. $1\frac{1}{2}$ pp.
498. vii. Custom House Officers of Barbados to Governor Worsley. *Reply to the Representation of the Casual Receiver and Deputy Surveyor and Auditor General* (John Ashley), charging them with selling seizures without notice given *etc.* v. preceding. *Signed*, Henry Lascelles and 7 others. $6\frac{1}{4}$ large pp. [C.O. 28, 44. ff. 35-36v., 37-39, 40, 41-42, 43, 44, 45, 46, 47-50, 51v.]

April 10.
Whitehall.

499. Council of Trade and Plantations to Lord Carteret. Encl. following. *Autograph signatures*. 1 p. *Enclosed*,
499. i. Extract of letter from Governor Hart relating to Sta. Lucia, 26th Jan.
499. ii. Duplicate of preceding.
499. iii. Copies of encl. i.-iii. Jan. 26th. [C.O. 152, 48. Nos. 4, 4, i.-v.; and (without enclosures) 153, 14.]

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p. 107; and (*enclosures only*) 253, i. Nos. 25-28; and, copy of covering letter, incorrectly dated 1723 $\frac{3}{4}$, 152, 40. No. 11.]

April 10. **500.** Mr. West to the Council of Trade and Plantations. Has no objections to 6 Acts of S. Carolina. *Signed*, Rd. West. *Endorsed*, Reed. 11th April, Read 20th Aug., 1723. $\frac{3}{4}$ p. [*C.O.* 5, 359. *ff.* 35, 36v.]

April 11. **501.** Mr. Popple to Horatio Walpole. Encloses Act and
Whitehall. Address of Virginia as requested 5th April. [*C.O.* 5, 1365. *p.* 243.]

April 11. **502.** Mr. West to the Council of Trade and Plantations. Has no objection to the Act of New Jersey, 1719, *for vesting the estate of Robert Burnett, late of the County of Monmouth, N.J., in trustees for the payment of debts*, excepting only that the general saving clauses required by H.M. Instructions are not inserted in it. *Signed*, Richd. West. *Endorsed*, Reed. 11th April, Read 14th May, 1723. $\frac{1}{2}$ p. [*C.O.* 5, 972. *ff.* 69, 73v.]

April 11. **503.** Governor Hart to Lord Carteret. Your Lordship's
Antegoa. of the 30th of May past came to my hands the 25th of March last; I am not able to say by what means it is that I have been so long prevented from knowing my felicity, that my conduct by your Lordship's indulgent Representation, has been approved by H.M., and is acceptable to your Lordship *etc.* I have from time to time informed your Lordship of all occurrences in my Government, as also such as related to foreign Governments in my neighbourhood which I thought was worthy your observation; to many of which I have not received any account they have come to your Lordship's hands; which makes me apprehend either miscarriage or the like delay with that of your Lordships of the 30th of May. I shall continue my duty of writing on all proper occasions *etc.* Your Lordship's of the 6th of Oct., commanding me to give all due countenance and protection to the settlement of the Islands of Saint Lucia and Saint Vincent did not come to my hands before the 15th of March; I have already given your Lordship an account at large of the surrendering the Island of St. Lucia by the misconduct of those who commanded under his Grace of Montagu: But I am in hopes to receive your Lordship's Instructions on my proposals for a reestablishment of that important place, for the security of the British Colonies of Barbadoes and the Leeward Islands. *Acknowledges* additional Instruction, 1st June, 1722, relating to a clandestine trade carried on to Madagascar *etc.* *Continues*:—The pleasure of Providence has sent such seasonable weather (which has been wanting four years past) that the Leeward Islands never had so great crops of

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sugar, nor were in any respect, from their first settlement, in so flourishing a condition as at this juncture. *Repeats complaint against the Governours for the French King at Martinique and Guardeloupe, as No. 496, and asks for instructions. Signed, Jo. Hart. Endorsed, Rd. 14th June. 3 $\frac{3}{4}$ pp. Enclosed,*

503. i. Deposition of Habijah Savage of Bermuda. Duplicate of 496 ii.

503. ii. Capt. Brathwaite to Governor Hart. Duplicate of 496 i. [C.O. 7, 1. Nos. 25, 25. i., ii.]

April 11. **504.** Mr. West to the Council of Trade and Plantations. Report upon Act of S. Carolina *for the good government of Charles Town.* The 19 Gentlemen who are nominated in the Act to be the first Mayor Aldermen and Common Councill, are possessed of their offices for life, have the sole power of makeing such by laws as they shall think fitt, (*so that*) the Government established by this Act is the compleatest oligarchy that ever was seen *etc.* *Refers to Mr. Shelton's Memorial (Jan. 15) which if true is another reason for repealing the Act. Signed, Richd. West. Endorsed, Recd. 11th April, Read 7th May, 1723. 1 $\frac{1}{2}$ pp. [C.O. 5, 358. ff. 237, 237v., 238v.]*

April 12. **505.** Lt. Governor Hope to the Council of Trade and Plantations. *Encloses duplicate of 20th March, and copy of public accounts etc. Continues:* For what reason the passing of these accounts has been so long delay'd, my predecessor only can tell. It was not in my power to get them in order sooner, by reason of the confusion they were in, thro' the incapacity of George Tucker Provost Marshal Genl. and Thos. Brooke Collector and Receiver of the liquor tax. The first is a man neither capable nor willing to execute his office; But at his request I have allow'd him to give a deputation to two of his sons. One of them, [Richard Tucker] is a very capable young man, and the fittest person I can recommend to your Lordships. to fill that post, when it shall happen to be vacant. Capt. Brooke, I would have suspended several months ago; but being apprehensive of more confusion, and he having got about £600 of the publick money in his hands, and still has £611 of the King's thirds *etc.* *Refers to enclosures.* The first Acct. of the liquor tax he was not able to settle without the assistance of Major Henry Tucker, the now Receiver whom I put into that post upon the Gentlemen of the Council's recommendation, and with Capt. Brook's own consent. The second acct. of the King's thirds I have found him much more dilatory in than the other; and your Lordships may observe that it is 16 years now, since he has made any acct. and till this morning I have never been able to prevail with him to do it; under pretence that what he now charges himself with, had been receiv'd the most part of it by

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the late Governor. I desir'd him to make up his acct. and to specifie the particulars paid to that Gentleman, but withall desir'd him to consider of the inclos'd declaration which Mr. Bennett desir'd to be swore to ; He seem'd surpriz'd at it, and at last he has fix't the debt upon himself. I believe he is responsible. I shall delay doing anything further in it, till such time as I receive new Instructions upon this head. I find there has been a continu'd dispute in this place, still undetermin'd, betwixt the Governors and the Collectors, who shou'd receive the King's thirds : The Governr. is intituled to it, and is accountable for it, by His Commissn. as Vice Admiral ; and the Collector has Instructions from the Surveyor Genl. of the Leeward Islands, to receive it, and immediately to remitt it to the Lds. Commissrs. of the Customs. I find sometimes the one, and sometimes the other, have been lucky that way ; and I find likewise they have endeavour'd to be sharers, but I do not find, that ever either the one or the other have endeavour'd to discharge their duty *etc.* This is a very proper time to set this matter right, and it is absolutely necessary that this present Collector be removed : for it is impossible for business to be dispatch'd as requisite in the miserable condition that he has reduc'd himself to. I don't know how far the intelligence I have this day given to the Lords of the Treasury may prevail with them to remove him as Collector, but I think it my duty to acquaint your Lordships. that it is very improper that his name should stand first in the nomination of the Council ; and that this country shou'd run the hazard of falling under the Government of a creature that cannot abstain from getting drunk and continuing so for five or six weeks on a strech. This has been his practice these many years, for what reasons it has been bore with I cannot be positive. I have now with a great deal of difficulty brought matters to bear with him, in the posture which I now present them to your Lordships. and I wait your commands. The next thing that I am to desire your Lordships. to take notice of, is the acct. of the rent of the King's land, collected by the Provost Marshal, for which he has 5 pr. ct. commissions. allow'd him by the authority of custom only, and the disposal of the rest (as I may properly call it), for the executing of his office : I am ordered by the 37th Article of my Instructions to consider (with the advice and consent of the Council) of the publick lands *etc.* I have often started this subject in Council, and do find that any improvement is not to be thought of as long as these lands bear the King's name : the tenants who don't pay the half that other tenants doe, look upon it as their own, and use it as such ; for there is now no timber left upon it, (the only thing that land is valuable for here) and what it does pay, the publick reaps no benefitt from it ; as your Lordships. may perceiv by the accts. If your Lordships. are desirous that these lands shou'd be im-

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prov'd, I humbly beg leave to give you my private opinion ; which is that the only way the publick can reap any benefit from them, or any body be the better for them, will be to dispose of them, at easy rates to the inhabitants, and to employ the produce in building a prison, storehouses and fortifying of the guns, already mounted ; which to this day are all open, and no manner of shelter from the weather for the men. The duty of 5 p. ct. upon dry goods, is the only tax I find regularly accounted for, and properly apply'd ; for out of it has been built a tollerable house for the Governor. I am sorry your Lordships. shou'd have cause to find exceptions against that Act, and I am almost certain that if your Lordships. will give the Act for lessening the number of the Assembly your countenance that nothing will be wanting that this place is capable of doing for the support of the Government and encouragement of trade. As to the acct. of powder-money, I have nothing to say ; and I can get no further intelligence about the King's slaves, than what the inclos'd affords ; But the Assembly have voted £200 to make up that deficiency. I find no records of the publick accts. extant, but those contain'd in this abstract here inclos'd, which are so dark and so irregular, that I can make nothing of them, till the year 1708, and from that to this day nothing satisfactory ; If your Lordships want copys of them they shall be sent *etc.* As far as I have been able to observe the greatest part of the money rais'd here has been employ'd in carrying on a suit at law against one Jones, and every other thing neglected : I shall make no further complaints in relation to the management of our publick money, haveing it now in my power to employ it as it ought to be, which your Lordships. will be able to judge of for the future. I must once more beg of your Lordships. to excuse me if I have not answer'd the rest of my Instructions as I am order'd : What I have done I took to be most material, and I doubt not but I shall very soon (with ease) satisfie your Ldships. as to every particular relating to this little Colony (which I must once more repeat) is capable of being very serviceable or very mischevious either in regard to pyrates at present or in times of warr. *Signed, John Hope.* *Endorsed, Reed. 18th, Read 25th June, 1723. 6 $\frac{3}{4}$ pp. Enclosed,*

505. i. Deposition of Benjamin Bennett. Thomas Brooke, Collector, never paid deponent one penny on account of the Crown's thirds of condemned seizures, altho' demanded by him as Governor and Casual Receiver thereof *etc.* *Signed, B. Bennett. Endorsed as preceding. Copy. $\frac{3}{4}$ p.*

505. ii. Account of powder-money, Bermuda, 25th July, 1716—20th Feb., 1721. *Total, £497 11s. 7 $\frac{1}{2}$ d. Signed and sworn to, by Capt. George Tucker, Secretary. Endorsed, as preceding. 52 pp.*

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505. iii. Account of powder-money. 21st Feb., 1721—18th Jan., 1723. *Total*, £155 4s. 10d. *Signed and sworn to by* Richard Tucker, Deputy Secretary. *Same endorsement. Copy.* 15 pp.
505. iv. Account of the 5 p.c. upon dry goods imported 30th Jan., 1721—16th July, 1723. *Total*, £1316 15s. 4 $\frac{1}{4}$ d., including £921 14s. 10 $\frac{1}{4}$ d. brought forward. *Sworn to by*, Richard Jennings, Receiver of the 5 p.c. *Same endorsement. Copy.* 5 pp.
505. v. Account of prizes and H.M. thirds of seizures, 19th March, 1707—24th Nov., 1721. *Total*, £694 15s. $\frac{3}{8}$ d. *Sworn to by*, Thomas Brooke, Collector. *Same endorsement. Copy.* 5 $\frac{1}{2}$ pp.
505. vi. Account of the King's slaves. Several slaves sold at public vendue for £96, and two bought at £45 and £36. *Sworn to by*, George Tucker, Provost Marshal. *Same endorsement. Copy.* 3 pp.
505. vii. Account of rent of the King's Lands, 14th June, 1716—1st July, 1722. *Totals*, Receipts, £851 4s. 11d. Balance due to H.M. £37 1s. 0 $\frac{1}{2}$ d. *Sworn and endorsed as preceding. Copy.* 11 pp.
505. viii. Account of the Liquor tax, 23rd May, 1716—13th Feb., 1723. *Totals*: Receipts, £3342 6s. 10 $\frac{1}{2}$ d. Balance, £496 16s. 9d. *Sworn to by*, Thomas Brooke, Receiver of the liquor tax. *Endorsed*, Reed. 18th, Read June 25th, 1723. *Copy.* 26 $\frac{1}{2}$ pp.
505. ix. Abstract of titles of public accounts upon record. *Signed*, Richd. Tucker, Dty. Secretary. *Same endorsement.* $\frac{3}{4}$ p. [C.O. 37, 10. Nos. 40, 41, i.-ix.; and (abstract, with notes for reply) 37, 24. pp. 14, 15.]

April 12. **506.** Lt. Governor Hope to Lord Carteret. *Encloses*
 Bermuda. *following* "with flying seals, that your Lordship may peruse them before delivery. I beg your Lordship's support in my requests therein, and in particular to determine who is to be Receiver of the King's thirds of seizures and prizes, so long disputed betwixt the Governors and Collectors," etc. *Signed*, John Hope. *Endorsed*, Rd. at Pymont, 13th July, 1723, n.s. 1 $\frac{1}{2}$ pp. *Enclosed*,

506. i. Duplicate of above letter to C. of T.
506. ii. Lt.-Governor Hope to the Lords Commissioners of the Treasury, April 12, 1713. *Encloses accounts etc.*, as above and states case against the Collector, Thomas Brooke. There is no salary attached to that post. Recommends appointment of John Aytoune in his place etc. *Signed*, John Hope. *Copy.* 3 $\frac{1}{2}$ pp.
506. iii. Duplicate of above covering letter. [C.O. 37, 26. Nos. 24, 24. i.-iii.]

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April 12.
Bermuda.

507. Lt. Governor Hope to Lord Carteret. *Marked, Private.* Encloses following account, "which I have at last fore'd out of the Collector, to the no smal mortification of him and of my predecessor, who had actually devided the spoil betwixt them as appears by the Collector's books, who it seems has never kept any regular or fitt to bear the light." *Asks for* a grant of the King's land or the disposal of it, which would be much better for the country in general and better bestowed than it is at present. It is not £100 sterl. pr. ann. *Apologises* that "now that I am out of debt I'm plagu'd with projects of getting rich" etc. *Refers to* his letter to Mr. Ballegueir (v. Nov. 23, 1722) proposing a Lieutenant's Commission for his friend, Mr. Aytoune, whom he now *recommends* for the Collector's place. *Continues:* If the Lords of the Treasury don't turn him out, I certainly must; if they should turn me after him: for it is not in nature that I can obey my Instructions unless that I have a sufficient man in that post: for I am plagued out of my life by a parcel of fellows who correspond with pyrates etc. The Governor of Providence's wife is this far on her way to England in order to sollicite your Lordp. for a permission to trade with the Spaniard and for one another independant Company for her Island (just what we want here). I wish to God she were gone from hence. But the Lord have mercy o' your Lordp. if she getts access. This is ane admirable season for our whale fishing which I take the diversion of every morning for three or four hours a horse back; I seriously can see them kill them distincly from the top of the hills and as the whales draw the boat along shore I gallop after and seldom fail of being in at the death of the whale etc. *Signed,* John Hope. 2 $\frac{3}{4}$ pp. *Enclosed,*

507. i. Duplicate of No. 505. v. [C.O. 37, 26. Nos. 25, 25. i.]

April 13.
Custom ho.,
London.

508. John Manley to Mr. Popple. Upon a letter from Joshua Jones, Deputy Auditor at Antegoa, concerning the trade carried on between the British and French Islands, wherein he "says that the Governour had communicated to him some Instructions, and an article of a Treaty in 1686, whereby that trade is prohibited, the Commissioners of H.M. Customs desire" a copy of any such Instructions etc. *Signed,* Jno. Manley. *Endorsed,* Reed. 18th, Read 23rd April, 1723. *Addressed.* $\frac{3}{4}$ p. [C.O. 323, 8. No. 38.]

April 21.
South
Carolina,
Charles City
and Port.

509. Governor Nicholson to the Council of Trade and Plantations. *Sends Journals and Laws etc.* to Mr. Yonge, for their Lordships' commands, by Mr. Kinloch, one of H.M. Council, who has one of the best estates in the country, and to whom he refers them for an account of affairs. *Continues:* Wee have already had more ships and vessells in respect of tunage then was ever known in the country, and it is supposed

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there is loading enough for them and for those that are expected, but the people are afraid that their commodities of rice pitch and tarr there being so much of it will come to a low market, *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed., Read 10th July, 1723. 1 p. [C.O. 5, 358. ff. 346, 347v.]

April 22. **510.** H.M. Warrant for a patent granting to Thomas St. James's. Granger the office of Chief Justice of the Bahama Islands, in the room of Thomas Walker dead. *Countersigned*, Carteret. *Copy*. [C.O. 324, 34. pp. 230, 231.]

April 23. **511.** A. Popple to Mr. Carkesse. *Reply to 13th April*. Whitehall. *Encloses* 94th Articles of Governor Hart's Instructions relating to trade between British and French Islands. [C.O. 324, 11. pp. 9, 10.]

April 26. **512.** Council of Trade and Plantations to Governor the Whitehall. Duke of Portland. *Acknowledge* letter of 20th Dec. *Continue*: We take this opportunity not only of congratulating your Grace upon your safe arrival, but also upon the good disposition you find in the Assembly to make your Grace easy and happy in your administration. *Enclose duplicate of 31st Oct.*, "to which we have nothing to add not having yet receiv'd any account of the affairs of your Government since your Grace's arrival, But as the *Kingston* man of war is arriv'd upon the coast we shall expect to hear from your Grace. We shall not fail to give the utmost dispatch to such matters as may come recommended to us by your Grace for the good and prosperity of the people under your Government." [C.O. 138, 16. pp. 435, 436.]

April 27. **513.** Lt. Governor Hope to the Council of Trade and Bermuda. Plantations. *Refers* to enclosures: *Continues*: I cou'd never learn anything about the first till the 23rd of this month, that Mr. Bennett sent it to me. Your Lordships will expect that at the same time I shou'd have transmitted an acct. of how it has been dispos'd of, but that will require some time: nor do I believe there can be a true acct. given, for the Storekeepers from 1700 to 1707 are dead; and none of their papers appears; from 1707 to this time the present Provost Marshal has discharg'd that office; but for the reasons already given (12th April), I have appointed his son keeper of the Stores by a special Commission. Your Lordships may see that of 375 barrels of powder there was but $62\frac{1}{2}$ remaining a great deal of which is damnified, and that 100 musquets is all that ever was sent here; which were immediately distributed amongst those of the inhabitants who appear on horseback. I don't find that ever there has been any arms, ammunition, *etc.* bought by the publick money of this Island; and your Lordships may perceive that the Revenue is so small, and at present in debt, that it is not in

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our power to make that provision necessary, for the defence of this place. I have sent eopys of the inclos'd to the Office of Ordnance; and with submission beg your Lordsp's. will be pleas'd to direct, how our present wants of warlike stores may be supplied. *Signed*, John Hope. *Endorsed*, Reed. 3rd., Read 4th July, 1723. 2 pp. *Enclosed*,

513. i. Account of stores of war in Bermuda, May 10th, 1722. *Signed*, Geo. Tucker, storekeeper. *Endorsed*, Reed. 3rd July, 1723. *Copy*. 4½ pp.

513. ii. Account of Stores of War sent from the Office of Ordnance, to Bermuda since Dec. 31st, 1700. April 23, 1723. *Endorsed as preceding*. *Copy*. 3 pp. [C.O. 37, 10. Nos. 41, 41., i., ii.; and (abstract, with note for reply.) 37, 24. p. 16.]

April 27. **514.** Mr. Bennett to [?Lord Carteret]. I had the honour
Bermuda. of yor. Lordp's. by my successor Coll. Hope of the 22nd of Feb. etc. Hopes to wait upon his Lordship soon, but has been hindered from returning home hitherto by an unhappy indisposition etc. *Signed*, Ben. Bennett. *Endorsed*, R. 26th Feb., 1723¼. 2 pp. [C.O. 37, 28. No. 17.]

April 27. **515.** Lt. Governor Hope to Lord Carteret. *Encloses*
Bermuda. duplicates of last letter and letter to Board of Ordnance and Board of Trade. *Urges* dispatch of stores of war. *Signed*, John Hope. *Endorsed*, Rd. at the Hague the 20th June. 1 p. [C.O. 37, 26. No. 26.]

April 29. **516.** Certificate that Lt. Governor Burrington has lodged
securty for the due performance of his office with H.M. Remembrancer of the Exchequer. *Signed*, John Thomson. *Endorsed*, Reed. 30th April, Read 7th May, 1723. ½ p. [C.O. 5, 1266. ff. 121, 122v.]

April 30. **517.** Lord Carteret to Governor Burnett. Letter of re-
Whitehall. commendation of John Conrad Weiser, Deputy of the Palatines, now returning to New York. *Signed*, Carteret. [C.O. 324, 34. p. 232.]

May 1. **518.** A. Popple to Mr. Attorney and Mr. Solicitor General.
Whitehall. *Encloses* Acts of Jamaica, 1722, (i) for making H.M. Revenue perpetual, and augmenting the same, and continuing and declaring what laws are in force in this Island, and (ii) for the more effectual preventing of frauds and abuses in collecting H.M. Revenue. The Council of Trade and Plantations thereupon desire your opinion in point of law as soon as possibly you can. [C.O. 138, 16. p. 437.]

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May 1.
London.

519. Traders to Bermuda to [?Mr. Popple]. Pray to be heard against the Act of Bermuda *to supply the deficiency of several funds*, laying a duty of 5 p.c. on the sales of all merchandize belonging to any person not inhabiting the said Island *etc.* *Signed*, John Blackwood, John East, Jno. Askew, Ed. Jones. *Endorsed*, Reed. 1st May, Read 14th Nov., 1723. 1 p. [C.O. 37, 10. No. 48.]

May 3.
Whitehall.

520. Council of Trade and Plantations to the King. Recommend Thomas Parsons for the Council of Bermuda in place of Col. Smith for reasons *quoted* from Lt. Govr. Hope. [C.O. 38, 7. pp. 470, 471.]

May 6.
Whitehall.

521. Lord Carteret to the Governor of the Bahama Islands. Your several letters to the 24th Dec. last have been laid before the King, who is pleased to approve of your services for the security and quiet of the Islands under your Governmt. H.M. has, at your request, been pleased to order a Great Seal for the use of the Bahama Islands, to appoint a Chief Justice for the same, and to sign a Commission for a Chaplain to the Independent Company under your command. It may be hoped that, when the Parliament meets again, something more may be done for your support and encouragement. In the mean time you will continue to transmit to me such accounts as you judge proper for H.M. service. *Signed*, Carteret. [C.O. 324, 34. pp. 232, 233.]

May 6.
Whitehall.

522. *Same* to Governor Hart. This letter will be delivered to you by Mr. Smith, Secretary of the Leeward Islands. I recommend him to you as a person for whom I have a regard, and desire that you will give him all due encouragement, particularly that you will put him into the possession of all the branches of his office upon the same foot as Mr. Hedges, or any former Secretaries enjoyed the same, it being H.M. pleasure, that you do not suffer the dismembring of any of the branches of the said Office, and that if any have been, you should cause the same to be restored to the said Mr. Smith. *Signed*, Carteret. [C.O. 324, 35. p. 1.]

May 7.
Admiralty
Office.

523. Mr. Burchett to Mr. Popple. Encloses following. *Signed*, J. Burchett. *Endorsed*, Reed. 7th May, Read 12th June, 1723. 1 p. *Enclosed*,

523. i. Extract of letter from Lt. Governor Wentworth to Mr. Burchett. 15th March, 1723. *Abstract*. Awaits instructions from the Admiralty as to the estate of one George Nayler of Great Britain, pedlar, who died intestate at Exeter, N.H., in Jan. Has caused his effects, £49 N.E. money, to be seized as an escheat to H.M. in case no heir appear within two years,

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the time generally given in matters that depend on an answer over sea *etc.* 1½ pp. [C.O. 5, 868. ff. 346, 347, 347v., 349v.]

May 8. **524.** H.M. Warrants for admitting Abraham Van Horn to the Council of New York, in the room of Abraham Depeyster who is a lunatick, and William Provoost in the room of John Johnston, Esq., who without H.M. leave resided two years in another Province. *Countersigned*, Carteret. *Copies*. [C.O. 324, 34. pp. 233, 234.]

May 8. **525.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Michaelmas, 1722 to Lady Day, 1723. There was then six months due to our Secretary and other officers *etc.* *Accounts annexed*. [C.O. 389, 37. pp. 226-229.]

May 8. **526.** Mr. Popple to Mr. West. *Encloses* 5 Acts of Bermuda, 1722, for his opinion in point of law. [C.O. 38, 7. pp. 471, 472.]

May 15. **527.** Governor Burnet to Lord Carteret. *Announces* death of Col. Weems, Captain of one of the four Independant Companys *etc.* *Continues* : I have given a Commission to the bearer, Capt. Lancaster Symes (*v. enclosure*) till H.M. pleasure be known. I am encouraged by your Lordship's generous protection in the like case, in favour of Capt. Holland *etc.* *Asks* that the Lieutenancy thus vacated may be confirmed to Lt. Edmund Blood. *Urges* their long services in these remote parts *and refers* to Brigadier Hunter for further recommendation of them. *Signed*, W. Burnet. *Endorsed*, Rd. Aug. 8th (N.S.). 2¼ pp. *Enclosed*,

527. i. Capt. Symes' Commission *as above*. 13th May, 1723. *Signed*, W. Burnet. *Parchment*. 1 p. [C.O. 5, 1085. Nos. 31, 32.]

May 15. **528.** Lord Carteret to Govr. Hart. *Encloses following*. *Concludes* : It is H.M. pleasure that you use your endeavours that Capt. Lucas may do speedy justice to Mr. Hoskins ; which if he refuse to do, you are to transmit hither an account thereof *etc.* *Signed*, Carteret. *Annexed*,

528. i. Memorial of Edmund Hoskins of Gray's Inn Esq., to Lord Carteret. George Lucas, Capt. of a Company at Antegoa, acted as his Agent in the disposal of some goods, clothing *etc.* in 1718 *etc.*, but has only remitted a small part of the proceeds and given no satisfactory account of the remainder *etc.* He has often heard in Antegoa and from merchants in London that £100 worth of such goods sold there by wholesale usually produce £250 of their money, which returned to England makes £167, and by retail, £300 Antegoa money *etc.* 6 pp. [C.O. 324, 34. pp. 235-241.]

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May 16.
Virga.

529. Lt. Governor Drysdale to the Council of Trade and Plantations. The General Assembly, which mett on the 9th current, having now under deliberation those affairs of the Governmt. which will chiefly deserve your Ldspps. attention, I am unwilling to spend your time now, with any relation of matters of less moment, because I hope, some time next month to bee able, together with the laws and journalls of this Session, to transmitt a very full account of the state of the country *etc.* *Refers to enclosure. Continues:—*I hope the Addresses (Encl. No. ii.) will serve to demonstrate the present harmony in ye Governmt. The pleasure I have therein is much the greater that an opportunity is thereby given mee, of improving this favourable disposition of the people to advancing H.M. service, and the true interest of the Colony: I judge it part of my duty to inform your Ldspps. of an affair, that is at present the common theme of peoples discourses, and employs their thoughts, Coll. Spotswood's iron workes; he has brought itt to that perfection that he now sells by publick auction att Wmsburgh. backs and frames for chymnies, potts, doggs, frying, stewing, and baking panns. Some of these utensils are sett up at 2d. per pound, others at 3d. per pound, and so rise in their price as people's inclinations or wants encourage them to bidd *etc.* Upon the resignation of Mr. Carter, I have with the advice of the Councell, appointed Mr. Peter Leheup Sollicitor of the affairs of this colony, to whom I intreat your Ldpps. favour *etc.* *Signed,* Hugh Drysdale. *Endorsed,* Reed. 28th July, Read 12th Nov., 1723. *Holograph. 2 $\frac{3}{4}$ pp. Enclosed,*

529. i. Speech of Lt. Governor Drysdale to the Council and House of Burgesses of Virginia, 10th May, 1723. Recommends raising of funds, severer laws against insurrection of slaves, putting the militia in a better posture and remedying "the languishing condition of the tobacco trade, almost destroyed by the gross frauds and abuses that are lately crept into it." *etc.* *Endorsed,* Reed. 28th July, 1723. *Copy. 3 $\frac{1}{2}$ pp.*

529. ii. (a) Address of the Council of Virginia to Lt. Governor Drysdale. Returns thanks for Speech and express satisfaction with his "mild and just administration" *etc.* *Signed,* Edmd. Jennings, President.

(b) Address of the House of Burgesses to Lt. Governor Drysdale. *To same effect. Express* abhorrence of the "wicked and traitorous attempts to dethrone the best of Kings" *etc.* *Signed,* John Holloway, Speaker. *Endorsed as preceding. Copy. 2 $\frac{1}{2}$ pp. [C.O. 5, 1319. Nos. 26, 26. i., ii.]*

May 16.
Boston, New
England.

530. Thomas [?Moore] to [?Lord Carteret]. According to your Lo. passport given me last summer to discover all things new and strange in H.M. Plantations, I came first to this country,

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where I have discovered and sent home many things, and more still ready, but the strangest of all is that I am come into a country pleasant delightful healthful fruitful in itself, nothing wanting but order œconomy Government and husbandry, so that 'tis the reverse of all countrys under heaven, we are all husbandmen yet we want bread, drink and flesh, no wheat rye barley oats pease or beans, but all our cornes come to us from New York Virginia *etc.*, and when we have the meal cannot make good bread, but have it brought into us already baked. Ale and beer we can make none tho' we had the barley, but boyle molasses spruce firr and bran together to make us drink, cyder sometimes comes in to help us according as the year hitts *etc.* Our flesh like carrion for want of feeding, there being no other provender or pasture but rancid sowre stuff, never renewed since the days of Adam, nor any hay but what spontaneously arrises *etc.*, no straw to litter our cattel, so that most of them dye for hunger and cold, but keep ourselves warm enough with cloaths from England that will never be paid for, good fireing and store of rum to drink which makes us speak treason by wholesale. We are all merchants yet have no tradeing nor one staple comodity in the whole country, whereas we might have many to countervail the price of our necessarys from England, our credite being broke there, nothing but the ready penny will doe, wherefore we thriftily prick up a shilling here and there to send home for tawdry silks long wigs hoopt pettycoats *etc.* nay our beloved silver spoons salts and cupps are now goeng to pot to procure us butterfly apparell, the town of Leeds in Yorkshire and many other of our creditors gapeing greedily mean while for their money *etc.*, but all goods consigned or trusted to us are our owne, and as they have too much faith in crediting us, so we love to teach them hope *etc.* Those who are but probationers in deceit among us say plainly, that if all the country and whole effects therein were sold, twould scarcely pay one quarter of our debts, which yearly grow upon us. I have not seen gold silver or copper money since I came hither but what I brought along with me, nor never expect to doe, unless things be better mannaged, H.M. draw back money upon pitch and tarr brought hither from Carolina at secondhand, being all or most of our trade, our fishing monopolized into the hands of a few, turns only to their benefite and no general advantage, and tradeing in beaver furr cutt off because of our wrangling warr with the Indians, the greater sort of us still sending powder and shot to the salvages, to murder ourselves, lodging it in hollow trees well known to the natives, where also they remitt beaver skins in requital a hundred times the value, and because no body sees it or dare discover it, won't hear that any body does it, this gain is so sweet as we can never hope for peace with them, unless things be built on another foundation. We are all soldiers sons of Mars and military men, and yet

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suffer a few sorry wretches with blankets about their shoulders, twenty thirty or forty in a company at most to hurryeane and perplex us, our army of eleven or twelve hundred sent out against them, at £80,000 charge upon a general review searsely mustering 300 *etc.*, all the rest having discharges foreloss [= ? *furloughs*. Ed.] or passports for 20 10 or 5 pounds a man, or what can be got so to make the officers' pot boyle. Captains and subalterns being sutlers feed our men with stinking flesh rotten fish vapid and spoiled rum, so as when pay day comes, all is eat up nothing's due to them *etc.* Hence whole companys desert to the enemy at a time. Proclamations we have promising great rewards, to such as apprehend them, but none for apprehending such as have compelled them to take such extravagant measures, but herein tho' we have not the foresight of men, we are as wise as the children, whose common saying is let me alone and I'll let you alone, don't tell on me and I'll not tell on you. We are all Divines yet have no Religion only we are careful in keeping the Lords day and punish severely swearing and cursing, so to get fees to the Justices that and five pounds for each bastard chyld being the best part of their incomes, but as to lying and threatening that's a profitable art, not a word of that *etc.* We are all lawyers, yet have neither Justice or prudence, 4000 writts or sutes in one year is our ordinary quantum of seed, sowed in this litigious Province, for next years crop of strife and wrangling *etc.* We are all mechanicks yet have no mechanical trades among us, tenpence for grinding a razor twopennee a sheet of ordinary writeing paper, ten shillings for a litle hatchet of a shilling price, ten shillings a day for a mason cooper or carpenter's work *etc.*, every guinea being worth in their bills 54 or 55 shillings, which having no bank stock fund or credit to sustain them, must goe out at last like the snuff of an exhausted candle. We are all seamen and travelers, yet bring home nothing but secondhand goods, as logwood from the Spaniards at dear rates, pitch and furr from Carolina meerly for benefite of the drawback, and yet may have enough here if we would work it to serve the whole world. Iron and hemp also we bring from abroad, and yet are full of iron mines exceeding good by report of those who have tryed it, and hemp the best in the universe, if we had anybody to raise it. We are all politicians yet have no will to forbear speaking of treason, of which I have heard more here in one day, than in all my life before, such as H.M. has no business in this country, he is our nominal King, but has not one foot of ground among us, neither he or his deputys or Governours have anything to do here, the Country is ours not his, weel try his title by Law preserving the masting pines, he sets the broad arrow upon, the property being ours so also are the masting, and if we can sell them to others for more money we are at liberty, notwithstanding the two Acts of Parliament investing those masting

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trees, as we have nothing to doe with their country so they have nothing to doe with ours, and weel have a fair tryal for it, we have a Charter giving us right to all, why was it not excepted in our Charter. The King or his Governour has no power to doe us either good or hurt, all the Governour's right is only to negative Councelors not to chuze or authorize them, to name persons to be Justices, and not to instale them, and infinite more such stuff. The high flying Tories having also got in among us blow the coal, aggravating every thing to the worst, giving false and wrong turns to all H.M. affaires, and when they want matter of calumny and distraction, forge lyes and untruths among us by the dozen, thereby disposing the mynds of this perverted people to any thing they think will best sute with their inclinations, and make the waters muddy. Yet still H.M. shall be heartily prayed for by us, as our titular King, but we ourselves must have the uncontroulable power, to act despotically as we please, and to mend the matter delude H.M. with sham addresses, pretending loyalty, false accounts of affaires by our Agents, blindfolding the Comissioners of Trade, with chimeras instead of realitys, telling every thing but the truth, so that the true state of this country has never been yet knowen to H.M. or his Ministers, but all huddled upon secrecy and juggle. No wonder then the disease is become desperate, since the sickness was never yet knowen, seeing their phrenzie running so high as to deny H.M.'s right here, what wonder then his Governour is called blockhead, and has dead dogs and cats throwen into his coach. As to all which, I referr you to Governor Schute *etc.* Their barbarous dealing with the Indians has hardned their hearts to an inflexible hatred, by burning many of them in a barn alive, inviteing them to dinner and imprisoning shipping and transporting them prisoners to other countrys where they were sold slaves, makeing them drunk with rum, and then eliciteing from them conveyances, and deeds of their estates which now they maintain by armys and violence. Such doeings has entangled on us and our posterity perpetual warrs, which no leagues peace or treatys will ever be able to conciliate. Besides all this ten men here are said to have ten million acres of waste ground, scraped together viis et modis to sell out by retale to the highest bidders, at extravagant rates, the ground being good, but situation near the enemys, this one gap or vacancy, tho' there were no more, is a sufficient inlett for them to make their ravages upon us at pleasure. And if ground be given to any at a smal price or for nothing theyr sent out to the wilderness, to take and inhabit grounds claimed by the Indians, and so have their throats cut, those desart places might easily been filled up, if our British subjects had not been warned out of our parishes, except they found baile to save them free of any charges, whereas their labour in husbandry fishing mechanical employments *etc.* was baile sufficient, but all our subjects are

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here accounted forreigners and searerows, no labour regarded but that of negroes, whom and their posterity they can keep as slaves for ever, they rarely failing to requite us by debauching our women, and brutifying English naturê, besides the jambon and bacon colour therby induced, but all is well 'tis our owne which English men are not. My Lord sure the ship of this Government has sprung so many leaks, your Lorp. as a Mr. Carpenter, ought to stop 'em, and I as your mate have made good pluggs for you to drive in *etc.* *Proposes* several "pluggs" for this purpose including (i) The discovery of a right of the Crown worth £200,000 sterling yearly, which will save the country £80,000 a year. (ii) Drawbacks to be abolished. (iii) Credit to be restored by a sinking fund. (iv) The monopoly of the fishery by a few hands to be stopped. (v) An enquiry to be held into the grants of lands *etc.* (vi) The Governor's salary not to hang at the purse strings of the country, whereby he is forced to wink at H.M. damage *etc.* (vii) All lands kept for sale at high rates to be taxed at 6d. an acre yearly. (viii) £19,000 silver taken from pirates hanged here to be accounted for. (ix) £500 charity sent over to print books for the Indians to be accounted for, being never bestowed. (x) That two rate books for taxes should be no longer kept, a double tax book for the English and another single tax book for the natives. (xi) Our Selectmen by warning the british subjects out of the country have forced many of them to turn pyrates, and left the country uncultivated *etc.* (xii) That our wool may be no more carryed from Nantucket and other places to Cape Briton, to be thence transported to France. (xiii) That numbers of H.M. masting pine trees, cut into boards *etc.* be accounted for, the country being full of them. (xiv) That English Lords and Gentlemen may have estates in this country not to sell to others but to cultivate by their tennants *etc.*, the more stakes, the better the hedge *etc.* I can find here profitable labour for all the vagrants and destitute people in Great Britain *etc.* *Asks for* remittance. *Continues* :—My Lord, you know the Indians have entirely taken the whole country of Mayne from us, also the country of Piscataway is loosing apart, and this very country is in great danger, because so many negro slaves are kept here, as almost every week set the town of Boston on fire, and ready to joyne with any enemy so as to purchass their freedom, and yet their masters will rather be burnt in their beds by them than suffer English servants to come hither to work, obligeing all Mrs. of ships to carry them back again upon their owne charge, or else they must not trade in this country *etc.* *Asks for* "a speedy answer, directed for me in Newbury Street Boston together with some mark of authority on the outside so to deter them from breaking it open, the which if they do and come to know that I have given your Lorp. this short hint of things, I am a dead man *etc.* I complained of their treasonable speeches to

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the Governour and Judges, who told me twas the comon dialect of the country, which they were glad to suffer for fear of their resentment *etc.* Those who think to suppress all this by soldiers sent among the[m are] all wrong, as being both an expensive and ineffectual remedy, but I shall show your Lordship at meeting how to cure it for ever *etc.* *His scheme will result in a rent, as above, coming home to the King yearly from all the Colonies etc.* *Continues:*—As to Nova Scotia, Governor Philips has murdered all by giving grants to the French and Indians confederated together to live at discretion, denying H.M. authority, and committing what outrages they please against all such as have not money to grease his fist, extortions, violence bribes, and such a sea of gainful inhumanity as no mans wife shall be free of stupration, or anything he has accounted his owne without paying him contribution, the poor garrison starved for want of food, and so naked their bare buttocks are to be seen. About 150 such miserable wretches is all we have within a poor hovel of sticks and posts drove into the ground *etc.*, to defend us from the French and Indians, of whom we account 9000 in the country, and only 5 or 6 of them acknowledge King George *etc.* Six sheets of his nefarious tricks, relating to the French and Indians, are ready to be presented to H.M., which I anticipate by this short hint, that country will be quickly lost if not prevented, with all our Newfoundland fishing depending thereupon *etc.* *Reverts to his scheme.* How miserably is H.M. and Ministry imposed on with an account of Annopolis being a strong and fine place *etc.* The French and Indians have power enough to take it in an hours time, as not being able to repell anything but musquet shot. I have discovered mines of several sorts which on tryal are very good, but dare not medle with any ore for fear of the General Court which presently enhances all to itself and gives it away to whom they please, and when so can neither use it themselves nor suffer those that can, except they work under them not as partners but as servants, for day wages and so discoverys are utterly discouraged. I brought over with me a great collection of fine seeds from Italy Germany France Holand and our owne English also, thinking to raise some staple comodity here such as rhubarb liquorice saffron indico *etc.* so to ease H.M. of their drawbacks and they to help themselves, but after many offers of this both in publick and private, it could not be accepted, nor any ground allowed me to sow them in, unless I bought it, so that all my seeds for want of sowing are lost *etc.* I brought also an engyn plough hither by help whereof any healthy man may plow two acres of land a day *etc.*, but this also they take no notice off, careing for nothing but how every one may get 5 or 6 myles of ground to his owne share, yet for want of hands cannot labour above 50 or 60 acres a year, the rest only tenanted by wolves, bears, skunks, rattlesnakes *etc.* So that as they have succeeded to the

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Indian country they have succeeded to their idleness and laziness also. We never sow the same ground two years together but still burn whole woods for next year's crop of Indian corn which is all we have and eats like sawdust, and saves us the hard labour of threshing which we like not and provendar for cattle, we designe not, all the roots of our trees being left in the ground, we plow out and in among them *etc.* Dinging of ground we regard not, having as much to breake up afresh every year as will hold us these thousand years, lopping and pruning of trees we abhorr, sowing of clover lentils trefoyle *etc.* we call needless whims and conceits. The winter we should spend in threshing we frugally bestow in drinking and smoaking our owne tobacco of which our ground gives us two crops a year, and if any man offers to drink H.M. health we call it Popry and him a Papist, and we sing a requiem to ourselves for the death of K[ing George?] *etc.* P.S. *Asks* for a patent for a tin mine he has discovered at Annopolis and a grant of land to make some improvements in raising hemp *etc.* *Asks* to be made H.M. Mineral Master or Ranger of woods, to save him from broken bones *etc.* I hear a sadd account of Col. Vetch *etc.* Signed, Tho. M[]. *Endorsed*, R. in Jan. 172 $\frac{3}{4}$ by Dr. Sherrard. 4 closely written pp. Edges worn. [C.O. 5, 898. No. 31].

May 16. **531.** Lord Carteret to Governor of the Leeward Islands.
Whitehall. Upon the petition of Peter Soulegre, it is H.M. pleasure that he continue in the quiet enjoyment of the plantation in the late French part of St. Christophers, as ordered 25th June, 1718, till H.M. shall come to a resolution, how to dispose of that part *etc.* *Concludes* :—In case you have given any grant to dispossess him, you are to recall the same *etc.* Signed, Carteret. [C.O. 324, 35. pp. 2, 3.]

May 17. **532.** *Same to Same.* Similar order as to the plantation of
Whitehall. Peter Soulegre and Peter Salvetat, *described.* [C.O. 324, 35. pp. 4, 5.]

May 20. **533.** Lord Carteret to the Council of Trade and Plantations.
Whitehall. You are to report with all convenient speed upon the Laws lately passed in Jamaica, with regard to the Revenue there *etc.* Signed, Carteret. *Endorsed*, Reed. Read 21st May., 1723. 1 p. [C.O. 137, 14. ff. 192, 193v.]

May 20. **534.** Mr. Willard to Mr. Popple. *Encloses* Acts and Journals
Boston. of Assembly of the Massachusetts Bay from 15th Nov., 1722, and Minutes of Council, Aug., 1722–Feb., 1723, *etc.* Signed, Josiah Willard. *Endorsed*, Reed. 25th July, 1723. Read 23rd July, 1724. 1 p. [C.O. 5, 869. ff. 25, 26v.]

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May 21. **535.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Report upon Acts of Jamaica *for making H.M. Revenue perpetual etc.* and *for the more effectual preventing of frauds etc.* Set out, A.P.C. III. pp. 46–48. Signed, Rob. Raymond, P. Yorke. Endorsed, Recd. Read 22nd May, 1723. 3½ pp. [C.O. 137, 14. ff. 194–195v., 197v.]

May 21. **536.** A. Popple to Mr. Attorney and Mr. Solicitor General. Whitehall. *Presses* for reply to 1st May, “my Lords Commissioners having receiv’d H.M. orders to hasten their report upon the Jamaica Acts for settling a Revenue” *etc.* [C.O. 138, 16. p. 438.]

May 22. **537.** Same to Mr. West. Encloses Acts of Jamaica, 1721 Whitehall. and 1722, for his opinion thereupon in point of law. *Titles given.* [C.O. 138, 16. pp. 439–442.]

May 22. **538.** Lt. Governor Dummer to the Council of Trade and Boston. Plantations. Has ordered sessional papers to be sent *etc.* *Continues* :—I have received advice that five English prisoners taken the last summer uppon Kennebeck River were carri’d to Canada, and some to Quebec *etc.*, where they are now detain’d prisoners which I looke uppon to bee such a countenance and encouragement given to the salvages in their rebellion as I thought it necessary to acquaint your Lordships with, and that wee should have a much nearer prospect of reducing those rebells did not the French (at least underhand) sustaine them *etc.* Signed, Wm. Dummer. Endorsed, Recd. 14th Aug., 1723, Read 23rd July, 1724. *Holograph.* 2 pp. [C.O. 5, 869. ff. 31, 31v., 32v.]

[May 22] **539.** Merchants and traders to S. Carolina to the Council of Trade and Plantations. Against the rights, libertys and properties of the British subjects, paper money was first introduced in 1702 by stamping £6000 tenderable by law in payment of debts. The provision that had been made by Act of Assembly for the sinking of them, was faithlessly broke through, and instead of sinking those bills they made more, and afterwards broke the Acts by which they were also ordered to be sunk, increasing the bills from 6000 to 20,000 all tenderable by law in payment of debts, though unprovided for, or that could be depended upon. In 1712 they added £36000 more, which they called a Bank Act whereof £32000 was to be let out at interest to the planters to pay for every £100, £150 in 12 years at the rate of 12½ p.c. p. annum. By these despotick and unwarrantable proceedings the British merchants and traders who had given the planters large credits to stock themselves with negroes *etc.*, lost immediately full half of their debts *etc.* The merchants made application to the Board of Trade and the Lords Proprietors and after long delay, obtained a peremptory

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order to the Governor and Council to have the evils of those laws remedied. But the Assembly, having found the sweet of the cheat, would do nothing to remedy it, but went further on in their frauds. In 1715 they stamp'd £30,000 more to carry on the Indian warr chiefly occasioned by the consequences of the paper money, notwithstanding that the merchants offered to lend them money to be paid by tax of the produce of the country at a price certain, yet they refused those offers which would have kept the standing paper money in some repute. They again made £5000 more and instead of sinking them in June, 1716, they broke through the publick faith of that Act and continued over and above the former bills the currency of these last £35,000 and enacted £15,000 more to be made. And altho' they pretended to raise taxes amounting to £95,000 to be paid in 3 years, to pay off the bills, yett they broke through that act and no bills were sunk by it. Upon the repeated complaints of the merchants, the Lords Proprietors sent Robert Johnson Esqr. Governor, from whom they took security to observe their orders, knowing by wofull experience that hardly any man can withstand the temptations which such people can lay in the way of a Governor to obtain the passing such money bills into acts, and their orders were positive to him to have the paper money sunk by a tax lykely after the laudable example of the Queen and Council to the Governour of Barbados. Yet the orders of the Lords and the endeavours of the Governor proved as fruitless, for altho' a new Assembly was called and an Act was made in 1717, to sink £54,000 of the standing bills in two years, wherein the preamble declares "that it is found by experience that the multiplicity and encrease of the bills of credit hath been the cause of the ruine of the trade and the great evil of the Province" *etc.*, yet that Act was also broke through and repealed, as was also that which followed 1719 to give 3 years longer time for the sinking £30,000 thereof, and finding that the Governor and Council would consent to no Act for altering the last, they took yt. opportunity to overset the Lords Proprietors Government. Which done, they past a new Act 1720 to enable all persons to pay their debts in rice at 40s. pr. 100 lb., pitch at 40s. pr. barril, which is about 4 times the true value and six times more than it can clear in England, moreover they passed two Acts instead of sinking, for making more bills in the first £15,000 and the second £19,000, which they called rice bills and therein valued at 30s. pr. 100 lb., $\frac{1}{2}$ more then it was to be by their own act in March 1722, but finding by the discredit of the bills that they could get 40s. for their rice, they a month before the time apointed for paying off the tax past another Act for giving liberty to pay the tax in paper money. Now the bills paid in pursuance to that law ought to have been cancelled as the Act directs, but instead of that the Commissioners that received them kept them un-

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tought and by an Act past since the arrivall of General Nicholson they are issued out again and made current. The British merchants and other fair traders in and out of Carolina, cannot but with grief and great submission express their disappointment in the reasonable hope they had that General Nicholson went empowered to oblige the planters to put in execution the good acts they had made, and particularly that which required all the paper money to be sunk in March 1722. But instead of that they found to their sorrow that he hath suffered them to pass an Act which not only repeals it, but also gives 20 years more time for sinking the paper money now current by £4000 pr. annum, and what passeth all understanding and must needs convince all the world that, that sett of people are not to be satisfied with the greatest lenity and unpareld condescendency of that Generall, they are now endeavouring to pass an Act for the stamping of £120,000 more paper money against which above 30 of the most substancial merchants factors and traders of the Province haveing made an humble Representation and Memorial to the Governor Councill and Assembly, on the behalfe of the British merchants, themselves and others in the Province *etc.*, they all of them were taken into custody and denyed the protection of the law and appeal to the Governor and Council, voted the Memoriall false, scandalous and destructive to the true interest of the Province, a base reflection on preceeding Parliamentary proceedings, and a high indignity to the present Generall Assembly, imposeing upon them the necessity of petitioning and confessing pretended offence, and begging to be put at liberty paying near £1200 fees, which hardships and despotick proceedings affect the British merchants the more in that it is for their sake that this stand, and last effort was made to preserve their right and properties, which if pass'd uncomplained of, and disregarded the contagion is great, and will spread into all other Colonies, and no opportunities will be wanting to oppress and defraud the British subjects of their just debts *etc.* Signed, Stephen Godin, John Lynch, John Lloyd, and 7 others. Endorsed, Recd. 22nd., Read 24th May, 1723. 6 pp. [C.O. 5, 358. ff. 244-246v., 247v.]

May 23.
Charles City
and Port.
So. Carolina.

540. Governor Nicholson to Lord Carteret. According to my duty I writt to your Lordp. ye 29th of April last and sent duplicates thereof one or both of which I hope in God your Lordp. will receive and that James Kinloch Esq. one of the Members of H.M. Honble. Council will have ye honour of waiting on your Lordp. severall papers *etc.* Mr. Yonge is to present to your Lordp. what he receives from the Comittee of Correspondence *etc.* I thank God there hath been a very good trade here in genll. and in particular in skins which I take to be very beneficial to Great Brittain because they are purchased with woolen and other Brittish manufactures and ye skins are like-

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wise very advantageous to the trade thereof. We have not only had a greater number of ships and vessels but much more in point of tonage than ever was in this country before. We have but seven ships now left three brigantines and a sloop some of which will sail in eight or ten days and the rest by midsummer *etc.* This is designed by the Revd. Mr. Commissary Bull a clergyman who hath an extraordinary good character in all respects therefore his going from hence is generally lamented *etc.* with whom goes Mr. Edward Brailsford merch. of a very fair character *etc.* They can give your Lordp. a full and just accot. of all affairs in this country. I hope your Lordp. will be so good as to get H.M. royall lycence to goe for Great Britain so that when I gett to London I may have the great honour of paying my most humble duty to your Lordp. *etc.* Signed, Fr. Nicholson. 1½ pp. [C.O. 5, 387. No. 37.]

May 23.
Charles City
and Port.
So. Carolina.

541. Same to the Council of Trade and Plantations. Repeats substance of preceding. Signed, Fr. Nicholson. *Endorsed*, Recd. 8th Aug., 1723, Read 29th Oct., 1724. 1¼ pp. [C.O. 5, 359. ff. 41, 41v., 42v.; and (abstract) 5, 406. p. 5.]

May 24.
Whitehall.

542. Council of Trade and Plantations to Lord Carteret. Enclose following to be laid before H.M.

542. i. Same to the King. We have considered the Act of Jamaica to augment the salary of his Grace the Duke of Portland, and think it our duty to represent to your Majesty, that his Grace was by [your Majesty's] Instructions directed to insert a clause in such Act to suspend it's taking effect till your Majesty's Royal pleasure should be known thereupon, which clause is omitted in this Act; But as your Majesty has been graciously pleas'd to allow the Governors of Barbados, the Leeward Islands and Bermuda, to pass bills for the increase of their salary without this restriction, provided no burthens were thereby laid on the Trade and Navigation of this Kingdom, we humbly submit whether your Majesty may not be graciously pleas'd to confirm the said Act.

542. ii. Same to the King. We have consider'd two Acts of Jamaica (i) for the making H.M. Revenue perpetual *etc.* and (ii) for the more effectual preventing of frauds and abuses in collecting H.M. Revenue. The first of these Acts containing matters of a very extraordinary nature in point of law, we have taken the opinion of your Majesty's Attorney and Solicitor General (*annexed*). We are humbly of opinion as well for the reasons mention'd in *their* report, as because the clause requir'd by your Majesty's Instructions to prevent its taking effect, until your Majesty's pleasure there-

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upon should be known, is not inserted, that the same is not fit to receive your Majesty's approbation; Besides we think it our duty to observe to your Majesty upon this occasion, that the Revenue formerly granted to your Majesty, which is continued by this Act and the additional Revenue intended to be hereby granted to your Majesty, according to the best information we can get will fall very far short of the necessary expences of your Majesty's Government in Jamaica *communibus annis*. And as the other Act hath reference in many places to this, in case your Majesty should disapprove the Revenue Act, we humbly offer, your Majesty would likewise be pleas'd to disallow of the Act *for the more effectual preventing of frauds etc.* [C.O. 138, 16. pp. 442-446.]

[May 24] **543.** Memorial from Merchants trading to H.M. Plantations to the Council of Trade and Plantations. *Urge* necessity of sending some person well skilled in raising and manufacturing Naval Stores to instruct the inhabitants of New England New York and the Jerseys, who are very little acquainted with the proper methods of sowing or curing hemp or preparing trees for tar *etc.* 20 signatures. *Endorsed*, Reed. Read 24th May, 1723. 2 pp. [C.O. 323, 8. No. 39.]

May 24. **544.** Richard Shelton to the Council of Trade and Plantations. In behalf of the major part of the inhabitants of Charles Town, *repeats and emphasises* objections to Act *for the better Government of Charles Town*. The inhabitants over 16 years of age number 291, of which 51, who are called alarm men and are only to bear arms in time of imminent danger, and 17, who live out of the limits of the town on a place called the Neck, are excepted from all duties. The Mayor and officers of the New Corporation number 36. Of the remaining 187 inhabitants, 120 are petitioners against the Act, *etc.* Such was the secret manner of obtaining this Act that Major Blakeway, who gave it to the engrossing Clerk, entreated him to do it with all secrecy and expedition, because if it came to the knowledge of the townspeople, they would petition against it *etc.* French Protestants, almost $\frac{1}{3}$ th. of the inhabitants, subject to all burdens, are excluded from ever being freemen by this Act. There is a multiplicity of Courts already *etc.* Before H.M. assent could possibly be obtained to this Act, the new Corporation summoned a jury without notice, though by the law all juries are to be drawn by balloting and have 20 days notice, and when they objected, adjourned the Court and ordered 11 of them into custody. The Court sitting in the afternoon the Jurors were brought there in couples like malefactors and fined £20 a piece, tho' by their by-law then lately made the fine was no more

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than £5. The Court proceeded to make up the Grand Jury. by a *Tales de circumstantibus*, a method contrary to Law *etc.* *Endorsed*, Reed. Read 24th May, 1723. 4 pp. [C.O. 5, 358. ff. 241-242v., 243v.]

May 26. **545.** Order of King in Council. Referring following to
St. James's. the Council of Trade and Plantations for their report. *Signed*,
Robert Hales. *Endorsed*, Reed. 29th Feb., Read 4th March,
1723 $\frac{3}{4}$. 1 p. *Enclosed*,

545. i. Petition of Isaac Miranda and Fernando da Costa to the King in Council. 52 casks of indigo belonging to petitioners, shipped on board the *Nassau* bound from Jamaica to Bristol, and cleared by the Custom House and Naval Officers there, were seized by order of the Governor and sold by William Norris, the Naval Officer, pretending the same to be French, 10th March, 1717. *Pray* that satisfaction may be made to them, as in the case of similar Jamaica merchants (*v.* 4th May, 1721 *etc.*). *Copy*. 3 pp.

545. ii. Deposition of Thomas Elbridge, Master of the *Nassau*. *Confirms preceding*. 5th Sept., 1709. *Signed*, Thomas Elbridge. 1 p. [C.O. 137, 14. ff. 267, 269-270, 271v., 272v.]

May 26. **546.** Order of King in Council. Appointing Thomas
St. James's. Parsons to the Council of Bermuda. *Signed*, Jas. Vernon. *Endorsed*, Reed. 20th Aug., Read 2nd Oct., 1723. 1 p. [C.O. 37, 10. No. 43.]

May 27. **547.** Copy of H.M. Commission for Robert Jennings to be Chaplain of the Independent Company at New York. *Counter-signed*, J. Addison. 17th Sept. 1717. 1 p. *On back*,

547. i. The like Commission is desired for the Rev. James Orem, Mr. Jennings having resigned upon my inducting him to the living of Rye, N.Y. *etc.* *Signed*, W. Burnet. $\frac{1}{4}$ p. [C.O. 5, 1085. Nos. 33, 33. i.]

May 27. **548.** H.M. warrant appointing Thomas Parsons to be of the
Kensington. Council of Bermuda. *Countersigned*, Carteret. *Copy*. [C.O. 324, 35. p. 7.]

May 28. **549.** Lord Carteret to Governor Hart. The bearer of this
Whitehall. letter is sent to Antegoa by the Earl of Denbigh, who has a claim upon the effects and estate of Mr. Douglas formerly Governor of the Leeward Islands, who has withdrawn himself into Flanders to avoid payment of his just debts. H.M. directs you to shew all due countenance to this person *etc.* *Signed*, Carteret. [C.O. 324, 35. pp. 8; and (duplicate) 10.]

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May 29.
New York.

550. Governor Burnet to Lord Carteret. I hope it will not be unacceptable to your Lordship, to receive the enclosed Minute of Council, by which this Government has approved the Treaty desired by the Government of Boston with the Five Nations of Indians belonging to this Province, in order to have their assistance in the war against the Eastern Indians; which I have had no small difficulty from first to last to bring to bear, in so unanimous a manner as now is effected: The particular Articles appear in the Minute of Council, and I hope it will have your Lordship's approbation, which will give me the greatest satisfaction imaginable. I have the honour of a letter from your Lordship of 16th Jan., signifying H.M. pleasure that I should recommend to the Assembly of the Jerseys to provide for the arrears of salary due to Coll. Ingolsby and Mr. Pinhorn, which I will not fail to do at their next meeting which will be in Oct. next. *Represents* hardship of the Independant Companyes in being obliged to contribute out of their pay to the maintenance of Chelsea Hospital, and yet the Directors have constantly denied receiving any old or disabled men from hence *etc.* Never any but one single person was received by Chelsea Hospital from these forces, and that with a positive refusal, if more should be sent. *Encloses* Address, "in which the Council and Assembly have joined with me, and which I have transmitted to Brigadier Hunter, who will attend your Lordship to desire the honour of being introduced to H.M. by your Lordship, that he may present it in the name of this Province, which I may say is entirely loyall," *etc.* *Signed*, W. Burnet. *Endorsed*, R. 6 Sept. Rd. at Hanover the 28th N.S. $3\frac{3}{4}$ pp. [*C.O.* 5, 1085. *Nos.* 34, 34. i; and (*duplicate*) 34. i.]

May 29.
New York.

551. Governor Burnet to the Council of Trade and Plantations. *Hopes* for approval of enclosures *etc.* *Continues* :—The Assembly here are but just met, so that I cannot yet give your Lordships any particular account of their proceedings, but I have hopes that they will provide for the services I have recommended to them. I shall be very happy if your Lordships favourable intentions to me in recommending the two pr. cent. Act for H.M. approbation prove successfull, notwithstanding all the oppositions made to it, which I am very hopefull to hear, when the great affairs of the Nation will permit the little concerns of the Province to come before a Committee of Council, in which I have great expectations from the powerfull recommendation your Lordships have given to H.M., in favour of the Act. *Signed*, W. Burnet. *Endorsed*, Reed. 22nd July, Read 23rd Oct., 1723. $1\frac{3}{4}$ pp. *Enclosed*,

551. i. Speech of Governor Burnet to the Assembly of New York. 14th May, 1723. *Printed.* 2 pp.

551. ii. Votes of Assembly of New York, 15th and 16th May, 1723. *Printed.* 2 pp.

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551. iii. Address of the Governor, Council and Representatives of New York to the King. (*May, 1723*). We assure your Majesty, that no part of your Dominions can boast of a more universal spirit of loyalty and affection for your most sacred person, nor of more zeal and resolution to defend your Majesties Government with our lives and fortunes *etc.* We have heard with the utmost indignation, that your Majesties noted clemency has emboldened persons who bear the highest titles of honour, to venture on a new rebellion, and that your pious endeavours to unite Protestants, have moved a Prelate, professing the reformed Religion, to betray his own Church into the hands of Papists, and on the other hand we have been highly overjoyed to find your Majesties virtues so justly admired, and your noble and successfull measures for composing the differences and establishing the Peace of Europe, so gratefully acknowledged by Foreign Princes, that no motives of zeal for their own Religion, could engage them, even to be neutral, when they had discovered wicked designs against their common Benefactor *etc.* We should be blind, not to discern a watchfull eye of Divine Providence, that presides over your Councils *etc.* *Return thanks to Almighty God, and pray that he will ever bless this happy Establishment, to which under Him we owe the enjoyment of all that can bee dear and valuable to a free people etc. Offer to H.M. "these unfeigned sentiments of hearts, full of duty and gratitude to the best of Kings" etc. Copy. 4 pp. Nos. i-iii endorsed as covering letter.*

551. iv. Minutes of Council of New York, 28th Feb., 1723, relating to negotiations of Government of the Massachusetts Bay with the Five Nations. *Endorsed as covering letter. 2½ pp. [C.O. 5, 1053. ff. 136, 136v., 137v.-141v., 142v.-144v.]*

May 29.
New York.

552. Governor Burnet to Mr. Popple. *Acknowledges letter of 25th (?) Feb. etc. Hopes soon to have an account of the fate of the 2 p.c. Act. Encloses accounts of the Naval Officer of New York, Sept. 1722-March, 1723, and of Jersey July 26, 1722-March, 1723, etc. Signed, W. Burnet. Endorsed as preceding. Holograph. 1 p. [C.O. 5, 1053. ff. 145, 146v.]*

May 30.
Whitehall.

553. Council of Trade and Plantations to the King. Lt. Governor Burrington having given the usual security, *enclose following.*

1723.

553. i. Draught of the usual Instructions to the Lords Proprietors of North Carolina relating to the Acts of Trade and Navigation. *Signed*, (the King having gone for Germany) by the Lords Justices. Whitehall, 9th July, 1723. [C.O. 5, 1293. pp. 297-335.]

[May 30] 554. Abstract of the tax list at Charles Town. *Endorsed*, Recd. from Mr. Shelton, Read 30th May, 1723. $1\frac{1}{4}$ pp. [C.O. 5, 358. ff. 248, 248v., 249v.]

[May 30] 555. Petition of the major part of the Inhabitants of Charles Town to the House of Assembly (1722?), S. Carolina. Beg for repeal of the Act for *the good Government of Charles Town*. 112 signatures. *Endorsed as preceding*. 1 large folded p. [C.O. 5, 358. ff. 250, 250v.]

[May 30] 556. Similar petition to the Governor, Council and Assembly of S. Carolina. 123 signatures. *Endorsed as preceding*. 3pp. [C.O. 5, 358. ff. 251-252v.]

[May 30] 557. Deposition of Samuel Eveleigh, Oct. 19, 1722. Robert Humes, attorney, confirmed the story of what Major Wm. Blakeway said to him about engrossing the bill for the good government of Charles Town (v. May 24th). *Signed*, Sam. Eveleigh. *Endorsed as preceding*. $\frac{1}{2}$ p. [C.O. 5, 358. ff. 253, 253v.]

[May 30] 558. Muster-roll of Capt. Garratt Vanvelsie's company, 5th Aug., 1722. 100 men. 24 Alarm men (v. 24th May). *Endorsed as preceding*. Copy. 3 pp. [C.O. 5, 358. ff. 254-255v.]

[May 30] 559. Copy of Muster roll of Capt. Lucas Stotenburgh's Company. Charles City, 4th Aug., 1722. 139 men. 27 Alarm men (v. 24th May). *Signed as preceding*. Copy. 4 pp. [C.O. 5, 358. ff. 256-257v.]

[May 30] 560. Warrant for the attachment of Eleazer Allen to appear before the Mayor and Aldermen of Charles City to answer for contempt of Court *etc.* *Signed*, Tho. Hepworth, Dept. Recorder. 3rd Oct. 1722. *Endorsed as preceding*. Copy. 1 p. [C.O. 5, 358. ff. 258, 258v.]

[May 30] 561. Warrant of distress on the goods of Samuel Eveleigh for fine for refusing to serve on the Grand Jury *etc.* (v. 24th May) 10th Oct. 1722. *Signed and endorsed as preceding*. Copy. 1 p. [C.O. 5, 358. ff. 259, 259v.]

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[May 30]
London.

562. Mr. Yonge to the Council of Trade and Plantations. *Reply to Mr. Shelton's Memorial* (v. Jan. 15, 24th May). The Act was past after Mr. Lloyd, Agent for S. Carolina, had obtained Lord Carteret's assent, as instructed in Sept. 1721. It was therefore no great secret, not being past till June, 1722, and it lay 6 months upon the table of the lower House of Assembly. It was introduced by five Representatives of Charles Town *etc.* The whole complaint is a cavill stirred up by some designing persons, angry that they were not placed in the Magistracy *etc.* Only such French Protestants are excluded from being Freemen as are not naturalized. *Denies* that there is a multiplicity of Courts. If they have acted wrongly, it does not affect the Act: those who think themselves injured can have there remedy at law. *Concludes*: The toll in Charles Town so much complained off, is not above 4d. sterling for a bullock *etc.*, in lieu of which the people are fedd with good and wholesome provissions, instead of carrion and the worst of meals, and a reasonable price weekly ascertained for them, which cou'd have been done no other way. *Prays* that directions for amending the Act, if thought necessary, may be sent to the Governor, rather than that it be repealed *etc.* *Signed*, Fra. Yonge. *Endorsed*, Recd., Read 30th May, 1723. 5½ pp. [C.O. 5, 358. ff. 260-262v, 263v.]

May 31.
Whitehall.

563. Mr. Popple to Mr. Burchett. In reply to request of 31st Dec. last, transmits copies of Acts of S. Carolina, *for the good government of Charles Town*, and *for ascertaining publick officers' fees*. [C.O. 5, 400. p. 163.]

May 31.
St. James's.

564. Petition of Merchants and others trading to and concerned in S. Carolina to the King. Notwithstanding the Orders and Governor's Instructions relating to paper money, the Assembly still encrease the number of their bills of credit, so that they now amount to £120,000. They have also laid an illegall duty upon all British manufactures *etc.* (v. C.S.P. 1722, Nov. 15), all which arbitrary proceedings do manifestly tend to the inexpressible loss of petitioners, and must end in the intire ruin of the trade of the Plantations *etc.* *Pray for orders* that the currency of the additional paper money may be forbidden, and the rest sunk by degrees according to the several Acts of Assembly, that no duties be laid on any British manufactory, and that petitioners be paid their debts in the commodities of the country *etc.* *Signed*, John Lloyd, Sam. Buck, Steph. Godin and 32 others. *On margin*,

564. i. Reference of preceding to the Council of Trade and Plantations. St. James's. 31st May, 1723. *Signed*, Carteret. *The whole endorsed*, Recd. 5th June, Read 10th July, 1723. 1 p. [C.O. 5, 358. ff. 284, 284v.]

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[May 31]

565. Mr. Newman to the Council of Trade and Plantations. *Requests that* Col. John Plaistead and John Frost may be recommended for the Council of New Hampshire, in place of Peter Weare and Nicholas Gilman, who refuse to qualify themselves *etc.* They are persons of interest in that Province and known loyalty *etc.* *Signed,* Henry Newman. *Endorsed,* Recd. 31st May, Read 12th June, 1723. $\frac{3}{4}$ p. [C.O. 5, 868. ff. 350, 351v.]

June 1.

Barbados.

566. Governor Worsley to the Council of Trade and Plantations. *Encloses Minutes of Council 20th March–17th May, 1723, and Act to empower H.E. to appoint any person to treat with the trustees of Thomas Pilgrim for a new lease of Pilgrim house and land etc. Continues:* The 19th past arrived here, from the East Indies, H.M.S. *Exeter*, Capt. Cockburn Commander, one of Commodore Mathews Squadrons *etc.* He let me know he was in great want of bread, and water, upon which I ordered the Custom House Officers to examine into the matter of fact, and to search if they had any goods on board; By their inclosed certificate your Lordships will find there was none, nevertheless I ordered twenty waiters on board; and finding by the 21st Art. of my Instruction in relation to the East India trade, nothing is mentioned of H.M. men of war, I thought those orders had no relation to them. *Signed,* Hen. Worsley. *Endorsed,* Recd. 22nd July, Read 23rd Oct., 1723. 2 pp. *Enclosed,*

566. i. Certificate that H.M.S. *Exeter* had no East India dry goods on board. May 21, 1723. *Signed,* G. Maxwell, Searcher, John Hinton, Waiter. *Endorsed,* Recd. 22nd July, 1723. *Copy.* 1 p. [C.O. 28, 17. ff. 310, 310v., 311v., 312, 313v.]

June 1.

Barbados.

567. Governor Worsley to Lord Carteret. *Repeats preceding letter, concluding:*—As other men of war from the East Indies may call here I must desire the honour of H.M. orders how I am to act upon the like occasion. *Signed,* Henry Worsley. *Endorsed,* R. July 22., Rd. at Hanover Aug. 8th N.S. by Clalk. Rd. in Ld. Carterett's of July 30th, Aug., 10th, 1723. 3 pp. *Enclosed,*

567. i. Duplicate of No. 566, i.

567. ii. Officers of H.M. Customs, Barbados, to Governor Worsley. It has been the ancient practice to sell contraband goods seized by them at public outcry after 10 days notice given that the owner might lay claim to them and be made a party to a prosecution in the Court of Admiralty. Commencing a suit against all goods seized in small parcels would only benefit the officers of that Court, whose fees in many cases would exceed the value of the seizure. Mr. Dalrymple (v. 9th April) has declared that he would

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receive the King's thirds of no seizure, unless it were first condemned in the Court of Admiralty and sold by the Provost Marshal, and President Cox concurred with him *etc.* *Pray that* the ancient custom may be continued. 5 pp. [C.O. 28, 44. ff. 52, 54-56, 59-60v.]

June 1. **568.** Capt. George to Lord Carteret. Quickly after the
St. disappointment I met with of the Independant Company of New
Christophers. York out of H.M. great bounty bestowed on me, the which
your Lordship was pleased to obtain for Lieut. Holland, I
presumed to wait on your Lordship, to request the Government
of Nevis; on which occasion your Lordship told me it was
disposed of to Major Genl. Seybourgh, but it was some such
preferment your Lordship intended me *etc.* *Asks for* the
succession to Major Dilke, Governor of Montserrat, an express
having arrived that morning with news of his death *etc.* *Signed,*
Paul George. 2 $\frac{3}{4}$ pp. [C.O. 152, 42. No. 116.]

June 1. **569.** Lord Carteret to the Governor of the Leeward Islands.
Whitehall. In my letter of 14th Sept. 1722, I signified H.M. pleasure to
you, that you should comply with the orders contain'd in a
former letter of 31st Dec. 1718 to the late Govr., concerning
the grant of Pensez y bien plantation and other lands adjoining
in Basse-Terre Quarter, St. Kitts, in trust for John Douglas, Esq.
a minor. But it having been represented that you had not
complied therewith, having taken to yourself above 200 acres
of the sd. lands, H.M. has commanded me to renew the significa-
tion of His pleasure to you *etc.* *Signed,* Carteret. [C.O. 324,
35. p. 11.]

June 3. **570.** Commission of George Burrington to be Governor of
St. James's. North Carolina. *Signed,* by the Lords Proprietors, Carteret,
P., Craven, Ja. Bertie for Duke of Bedford, M. Ashley, Ja.
Bertie, J. Colleton. [C.O. 5, 291. pp. 43-45.]

June 3. **571.** Instructions (25 Articles) of Governor Burrington,
St. James's. by the Lords Proprietors of Carolina. The Council consists of
William Reed, Christopher Gale, Chief Justice, John Lovick,
Secretary, Edward Mosely, Surveyor, Francis Foster, Richd.
Sanderson, John Blunt, Tho. Pollock, Tho. Harvey, Robt.
West. He is (ix) to press the Assembly for an Act for the better
establishing, collecting and recovering the quit rent and arrears
due to them. (xiii) Not to pass any Act relating to the trade
or shipping of Great Britain without inserting a clause that it
shall not be in force until confirmed by writing under their
hands and seals. (xiv) Whereas great quantities of paper
money have been establisht and made current in satisfaction
of divers sums of money which have been contracted for goods

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and merchandize in the said Province, by which means great discouragements have been given to the merchants and traders, trading to that Province, who when they have obtained judgment for their debts, can have no other satisfaction but what shall be paid by paper credit which has been a very great loss to such persons who do not reside in the said Province, *etc.*, and the continuance and countenancing such paper credit will tend not only to the defeating of just creditors and the trade of the said Province, but is in itself unjust and illegal, therefore we do hereby strictly command and require you, that you do forthwith use all possible endeavours, gradually to sink and make void the said paper credit, and to put in execution the Act *for ascertaining the rates of foreign coins etc.* (xv) An abstract of grants of land enrolled to be made, and enquiry made whether said lands are planted *etc.* All possible care to be taken that the rents in arrear be collected, and that the growing rents be duly paid. (xvi) To give public notice that unless proprietors and planters pay their arrears and plant their grants of land in 12 months after such notice, the Lords Proprietors will enter upon and possess the same, and that from henceforward no grants of lands shall be valid unless they are registered or inrolled in the proper Office within twelve months of the date thereof, and unless they enter upon the clearing thereof within two years after the date of such grant *etc.* A new survey of the whole Province to be made at the charge of the Proprietors, and entered on record in the Secretary's Office *etc.* (xvii) Great sums are due to the Proprietors, not only for arrears of rent, but also for sundry fines and forfeitures, goods of felons and divers forfeited estates, and of persons dying without heirs *etc.* The Receiver General is to be instructed to transmit an account thereof to the Secretary in London, and to be aided in recovering the same. (xix) Care to be taken to improve the Fishery, and transmit the tenths of the said fishery yearly to the Secretary at London. (xx) There having been great neglects in respect to the preserving of our arms, ammunition and stores in proper place, an inventory is to be taken, and storehouses settled throughout the Province for keeping the same. (xxii) To use utmost endeavours to settle a good correspondency and friendship with the neighbouring Indians, "by wch. you'l not only be secure in your Government, but considerably improve the trade of the Province." To that end, especial care is to be taken that Justice be done to them in the Courts *etc.* (xxiv) The profits of the Province ought far to exceed the charges of the supporting the Government, but such have been the neglects of late, that the expences have exceeded the income, which for the future we expect should be prevented. An account of income and charges to be sent *etc.* Signed as preceding. [C.O. 5, 291. pp. 46-63.]

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June 3. **572.** Warrant by the Lords Proprietors of Carolina to Edward Mosely, Surveyor General, to survey a grant of 2000 acres of land to Governor Burrington, at one penny per acre quit rent. *Signed as preceding. Printed, N.C. Col. Rec. II. 491. [C.O. 5, 291. pp. 64, 65.]*

June 3. **573.** Lords Proprietors of Carolina to the Council and St. James's. Assembly of North Carolina. Upon the appointment of Governor Burrington *etc.* *Urge* the settling "a commerce with the Indians for their deer skins," in order to supply vessels arriving with a loading, the want of which is a great hindrance to the trade of the Province *etc.* *Recommend* the development of the Fishery *etc.* *Signed as preceding. Printed, N.C. Col. Rec. II. 489. [C.O. 5, 291. pp. 65-69.]*

June 3. **574.** Commission and Instructions from the Lords Proprietors to Arthur Goffe as Receiver General of North Carolina. St. James's. *Signed as preceding. [C.O. 5, 291. pp. 69-77.]*

June 8. **575.** Mr. West to the Council of Trade and Plantations. Reports upon 17 Acts of Jamaica. Offers technical objections to Act *for the more easy obtaining of partitions of lands etc. in joint tenancy etc.* *Signed, Richd. West. Endorsed, Reed. 10th, Read 20th June, 1723. 2 $\frac{3}{4}$ pp. [C.O. 137, 14. ff. 200-201v.]*

June 8. **576.** Governor Hart to the Council of Trade and Plantations. I have been prevented by a very tedious sickness, of which I am but feebly recover'd, of doing myself the honour of imparting to Your Lordships the transactions of this Government for these two months past, tho' when I had any intermission from my fever, I have imploy'd it in the duties of my office. As I am still very weak, I entreat your Lordps. to accept of only some material points I have now to present you with. On the 11th of May H.M.S. *Winchelsea* Capt. Orm Commander arrived at Antegoa having on board nine pyrates, which he took on the Island of Tobago, where Capt. Finn, and the greatest part of his crew, had landed, with an intention to separate, the nine mention'd being surpriz'd by a party sent by Captn. Orm in quest of them into the woods. Immediately on Capt. Orm's arrival at Antegoa, I went on board to take their examinations, and finding no proof against them of piracy, I was obliged to take two persons out of the nine, who upon examination I found were forc'd into the service of the pyrates, to be evidence against the rest; the remaining seven were brought to their tryal on the 17th at the Town of St. John's, where fourteen persons named by H.M. Commission for the tryal of pyrates sate as Judges; Capt. Finn, who was an associate of the infamous Roberts the Pyrate, and the principal of these, came first upon his tryal, and the evidence was strong

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and plain against him, that he had been three years in the brigantine *Good Fortune*, which he commanded, and had exercis'd several notorious acts of piracy, he was accordingly convicted with six more of his associates, five of which were executed at high water mark in the town of St. John's in Antegoa. One of the condemned persons being very penitent, and asserting upon his tryal, that he was forc'd from the coast of Brazil into their service where he was a pilot, he was repriev'd at the gallows; and I being thorougly convinc'd of his innocence have since pardon'd him. There was also a Portugeeze one of the number taken by the pyrates at sea and prov'd to be forced on board by the evidence of two masters of ships, on which the Court of Admiralty acquitted him. Finn is hung up in chains on Rat Island in St. John's Harbour. I do not hear of any more pyrates in these seas, except the brigantine *Good Fortune*, who has but twelve men on board her, who run away with that vessell, whilst the rest of her crew were on the Island of Tobago, where H.M.S. found the pyrates, and Capt. Brand Commander of H.M.S. *Hector* is in pursuit of the rest of them on that Island. It is to the indefatigable care of Capt. Brand and Capt. Orm in pursuing the pyrates wherever they hear of them, that the trade in these parts is so well secured from that pest, for which they can't be too much commended. I must observe to your Lordps., that my predecessor Mr. Hamilton dying soon after my arrival, his executor sent the Commission under the Great Seal of Great Britain for the trying of pyrates in this Government amongst his other papers to England, so that we were oblig'd to try them upon the record of that Commission in the Secretaries' Office. I submit it to your Lordps., whether there ought not to be a Commission sent out for the tryal of pyrates in this Government. The Island of Antegoa having been generally sickly for some time past, the Assembly did not meet till the 13th of April past, having nothing before them but the ordinary occurrences of the Governmt. I was surpriz'd with a message directed to me and the Council (*v. encl. i*); which message was founded on the letters that several members of the Assembly had from their correspondents in London, intimating that the Act for my better support pass'd in that Island, was dissented to by H.M., because that it laid a duty of $3\frac{1}{2}$ per. cent. on trade, which some Gentlemen of the Assembly stomach extreamly, and have often ask'd me in particular, whether the Assemblies here have not as much right and priviledge as the Parliamt. of Great Britain, for imposing a duty on their trade. I need not trouble your Lordps. with my answers to these absurd questions, but do not doubt in time to bring them to a right understanding, having told them in plain terms, both in my publick speeches, as well as my private conversation, that they shou'd fully enjoy all the privileges H.M. was pleas'd to allow them, and that was suffi-

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cient to make them a very happy people, but if they found themselves under any grievance on the score of not taxing their trade, and cou'd give good reasons for it, I wou'd faithfully transmit them to H.M., but absolutely refus'd to joyn with them in any such remonstrance, it being inconsistent with my duty. Your Lordps. may please to observe, that in the same page the Gentlemen of the Assembly by a meassage to the Lieut. Governour and Council propose a provision be made for my better support of 1,000*l.* for one year, but the answer of the Governour and Council was such as became their duty and persons well affected to H.M. I must here observe to your Lordps., that the reason of the Gentlemen of the Assembly offering it but for one year was by way of resentment, that the late Act was dissented to, and shew'd a disregard to H.M. 32nd Instruction, which lays me under a strict injunction of not accepting any additional support in these Islands, but for and during the term of my Government only. It may not be improper to observe to your Lordps., that the sume of 1000*l.* has a swelling sound, but upon examination it will be found a mere timpany; for the 1000*l.* mentioned was to be paid in the product of the country, rum, sugar and molasses, which when brought to the market (as I shou'd be oblig'd to do for the expences of my family) wou'd produce about 700*l.* cash, which being 50 p. cent. worse than sterl. wou'd produce purchase of the necessarys of life, no more than 250*l.* would in England. I presume your Lordps. wou'd think this no extravagant addition to my support, who have the honour of H.M. service most at heart, and have maintain'd the dignity of my station to as great a heighth, at least, as any of my predecessors of this Governmt. Your Lordps. will please to observe, that in the second page of the extraet, a message being sent to the Assembly to consider of their last message to the Lieut. Governour and Council, there was then a majority in the house, who carried the former summe that was allow'd me, but on the next meeting the 25th May. it was again rejected by the Assembly; but it was still insisted on by the Lt. Governour and Council, that no abatement ought to be made of the former provision for my support; and a conference being desir'd and met upon it, in which the Gentlemen of the Assembly had very little to say for themselves; and after my having shew'd the reason and necessity of supporting their Governour in an honourable manner; and shew'd them from the history of their own Island how requisite it was to their peace and security, that whilst his time was imploy'd in watching for their good, he ought not to be anxious how he shou'd procure his own bread; Of this they were convince'd, but what they insisted upon was, that they wou'd do it after their own manner, and not as they were directed by the Crown; Upon which I shew'd them the great obligations they were under to the Crown, too many to be

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enumerated here, so shall only mention that of a Regiment's being maintain'd in these Islands for their security, and two men of war for the protection of their trade, which cost the Nation near 30,000*l.* sterl. pr. ann.; that besides it was under the influence of H.M. happy administration, that the Island of Antegoa in particular is now in the most flourishing condition it ever was since it's first settlement. Upon this the Conference broke up; but some Gentlemen of the Assembly doubting that these plain truths wou'd have influenc'd a majority upon their return to their house, they went away in a tumultuous manner, by which means there was not a house to report the Conference. The Speaker and several members desiring to be admitted into the Council, complain'd of the rest of their members absenting themselves in that manner. Upon this contempt of H.M. authority, I propos'd a dissolution, but at the earnest request of the Council I gave them one other meeting of the 27th of May. I must here observe to your Lordps. an extraordinary passage which happen'd on this occasion. The two managers mentioned having been call'd upon to answer the contempt of the house in absenting themselves, instead of reporting the Conference, as was their duty, after some frivolous excuses it was put to the vote, and some members of the Assembly alledging they ought to go to the bar, or at least out of the house, instead of that they continu'd in their seats, and voted, by which they were acquitted of the contempt by one vote only; and afterwards sent up a message to the same effect of their former in relation to the support of their Governour, by which I was advis'd by the Council to dissolve them, and call another to meet in 15 days; the same day I went on board H.M.S. *Winchelsea* and arriv'd the next day at St. Christophers, which being reputed the best air in the West Indies, I am in hopes to recover strength enough in a short time to do the duties of my office, which, from the distance of the several Islands of this Governmt., will not permit me to be but a few months in a place. Since my arrival here, I have had two expresses from Antegoa, that that Island have shew'd their resentments of the proceedings of the last Assembly by their choice of a new one, so that I am assured there will be four to one of different sentiments from the majority of the last Assembly. *Signed*, Jo. Hart. *Endorsed*, Recd. 12th Aug., 1723, Read 20th Feb., 172 $\frac{3}{4}$. 5 pp. *Enclosed*,

576. i. Minutes of Council of Antegoa, 13th April and 23rd, 25th and 27th May, 1723. *Endorsed as preceding.*
Copy. 7 $\frac{1}{2}$ pp. [C.O. 152, 14. ff. 223-225, 226v.-230v., 232v.]

June 8. **577.** *Same to Same.* H.M. Sollicitor General of these
 St. Islands will have the honour to deliver you three Acts of St.
 Christophers. Christophers vizt., (i) An Act for regulating vestrys and erecting

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into a parish part of this Island called Bass-terre quarter, by the name of the parish of St. George Bass-terre, and repealing an Act for regulating the vestrys past in the tenth year of her late Majties.' reign, and for annexing other parts of the said quarter to the respective parishes of St. Mary Cayon and Trinity Palmeto Point. (ii) An Act for enjoinning all vessels or persons infected with the plague, small pox or other contagious distempers, to perform a due quarantine, and to prevent as much as may be the dangers with which this Island is at present threatn'd by the small-pox being already therein. (iii) An Act for the relief and release of John Sedgwick and others poor distressed prisoners for debt etc. Which, besides the reasons sett forth in the Preamble, Mr. Spooner will explain to your Lordps., being a Member of the Assembly etc. On 31st May past dy'd Charles Dilk Esq. Lieut. Governour of Mountserrat, in whom H.M. has lost a faithful subject and a good officer; He is very much lamented by the people of his Government and by all who were so happy to know his worth. *Signed*, Jo. Hart. *Endorsed*, Recd. 12th Aug., 1723. Read 20th Feb., 172 $\frac{3}{4}$. 1 $\frac{3}{4}$ pp. [C.O. 152, 14. ff. 233, 233v., 234v.]

June 8. **578.** Governor Hart to Lord Carteret. *Repeats parts of*
 St. *two preceding letters. Continues*:—I must intreat yor. Lops.
 Christophers *indulgence on the score of the weak condition I am still in, to*
accept of the short account of the posture of affairs in this
Governmt., which may in a good measure be supply'd by Mr.
Spooner H.M. Solr. Genl. of these Islands, who has the honour
to present you on part. He is a gentleman who besides his
talent in the Law, not idly employ'd for nine years past in this
Governt. has a perfect knowledge of it: If yor. Lop. will
condescend to give him some moments of your valuable time,
he will inform yor. Lop. of whatever you may think proper to
require of him: and as he is an Englishman, and a servant of
the Crown, will not be liable to that partiallity, the natives are
subject to, etc. Continues:—The inhabitants of the island of
 Antegoa have shew'd their resentmts. of the proceedings of the
 last Assembly in their choice of another, there being now a very
 great majority, who will pay a dutyfull regard to H.M. com-
 mands; so that I have the prospect of being reestablish't, and
 these differences compos'd in that Island, and flatter myself,
 that I shall have the pleasure to acquaint yr. Lop., that every-
 thing there is upon the same happy foundation, that I had
 formerly the honour to inform yor. Lop. of. The state of my
 health will not permit me to visit as yet, the Island of Nevis,
 where everything relating to the Governmt. of that Island, is
 in the utmost confusion, from their dissention among themselves,
 and from the unhappy temper of perhaps the worse set of people
 in H.M. Governmt. I humbly intreat yor. Lop. to be inform'd
 from Mr. Spooner, who has a perfect knowledge of that Island,

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of the past and present behaviour of those inhabitants for many years. My Lord, on the 31st of May past dyed Charles Dilk Esq. Lieut Governor of Montserrat *etc.* I beg leave to represent to yor. Lop., that as that Island was lost in the year 1713 for want of a good Officer, that some regard may be had for another good Officer to succeed him, this Island lying within two hours sail of Guardaloupe, weh., in case of a war exposes it to frequent and imminent danger. I humbly intreat yor. Lops. permission to recommend to your favour Capt. Charles Pym, who formerly had a company in my Lord Hinchinbrooks Regt. and very much in his esteem, upon which score he permitted him to change for a Company in Col. Lucas's Regt. here, which he now has, having an interest in these Islands; This Gentn. is a man of great honour, a very good officer, and extremly beloved by the inhabitants of these Islands; and as the sallary is but £200 per ann. for that Island, and the usual allowance and perquisites not being above £200 more, I presume it will not be worth the care of any Gentleman of consequence solliciting that post, who has not some other interest here to support it, *etc.* Signed, Jno. Hart. 3½ pp. [C.O. 239, 1. No. 28.]

June 11. **579.** Messrs. Buck, Harris and Hyde to the Council of Trade and Plantations. In behalf of the inhabitants and lessees for settling the Bahama Islands complain of the arbitrary and illegal proceedings of Governor Nicholson. The *Duck* sloop, Capt. White, bound from Providence to Jamaica, touched at S. Carolina for necessary provisions. By the Governor's order, she was searched in a vexatious manner, and detained six days, although the cargo exactly answered the cocquets. The Governor would have seized her for 6 barrels of pitch put on board for store, but the Master produced a regular permit from the proper officer. This he cancelled and gave him another under his own hand, though he is not the proper officer to grant such permit. The sloop *Recovery*, Francis Gracia master, bound for Providence with a loading of boards and provisions for the use of the Garrison, was seized by Governor Nicholson and condemned for taking on board two barrils of rice, four of pitch and two of tarr for provision and stores, notwithstanding a regular permit was granted for the same by the proper officers of H.M. Customs, and the defendant denyed time to prepare answers *etc.* The Governor as far as in his power intercepts all letters by way of Carolina to or from Providence *etc.*, particularly in Dec. last two to Wm. Rhett from Governor Phenny *etc.*, forcing them under threats from the master of the sloop that brought them *etc.* He sent Col. Rhett word that he might come and hear them read *etc.*, who did not think it advisable to go *etc.* Pray that he may be made to make satisfaction, referring to enclosed. Signed, Sam. Buck, John Hyde, Rd.

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Harris. *Endorsed*, Recd. 11th June, Read 4th July, 1723. 2 pp. *Enclosed*,

579. i. Messrs Buck, Harris, Hyde, Wager, and Newport to Lord Carteret. July 6th, 1722. *Represent* importance of Bahama Islands, and *pray* for establishment of an Assembly, an annual establishment and Charter etc. *Repeat* complaints as above. *Signed*, John Hyde, Sam. Buck, Thos. Lyell, Cha. Wager, G. Newport, Rd. Harris. *Copy*. 3 pp. [C.O. 5, 358. ff. 264-266v., 267v.]

[June 11] 580. Randolph Stracey to the Council of Trade and Plantations. On behalf of John Richardson, Esq., and John Smith merchant, *prays* for favourable report upon Act of Nevis for settling the estate of Thos. Herbert in his three sons, and confirming the estate of John Richardson Esq. and John Smith, planter, purchasers of said estate etc. *Endorsed*, Recd. 11th, Read 28th June, 1723. $\frac{3}{4}$ p. [C.O. 152, 14. ff. 211, 212v.]

[June 12] 581. Mr. Auditor Walpole to [?Council of Trade and Plantations]. Objections to Act of Virginia for the better discovery and securing H.M. Quit rents. That part of it that allows the quitrents to be discharged for the future in current money instead of sterling would establish for ever a considerable loss to the Crown, though the Proprietors of late years have been much better able to pay the ancient duties than they were at the first institution of them etc. *Further argued*. *Endorsed*, Recd. 12th, Read 13th June, 1723. *Copy*. $6\frac{1}{4}$ pp. [C.O. 5, 1319. No. 22.]

June 13. 582. Council of Trade and Plantations to Governor the Duke of Portland. *Acknowledge* letters etc. of 2nd March. *Continue*: We immediately took the same under our consideration being desirous to contribute whatever may lye in our power towards a good settlement of the affairs of Jamaica. The Acts for settling the Revenue and for preventing of frauds etc. containing several matters of moment both in point of law and Government, we transmitted to H.M. Attorney and Solicitor General to be consider'd by them, and so soon as we receiv'd their opinion, we made our report thereupon to H.M. that your Grace might receive his directions time enough to get a new law pass'd for the same purposes before the Jamaica laws expire. That your Grace may be fully appriz'd of our reasons for laying these laws before H.M. for his disallowance, we send you inclos'd a copy of our report as well as of the Attorney and Solicitor General's, and we doubt not but your Grace will receive H.M. further directions about these Acts when the same shall have been consider'd in Council. We must observe to your Grace that it would have been for H.M. service to have

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transmitted with these Acts an estimate of the Revenue as well as of the expences of the Governmt., for by the best calculations we have been able to make, we are apprehensive the latter will much exceed the former, which certainly ought to be avoided, considering the prejudice that must thereby accrue to the public as well as the difficulties H.M. Governors must be subject to in applying yearly to the Assembly to make good the deficiencies. It would likewise have saved your Grace some trouble if you had transmitted home a draught of the intended Revenue Act before you had given your assent to it. The Assembly will shortly have another opportunity of reconsidering this matter, and we hope they will seriously reflect how much it is their interest to settle such a Revenue as may be adequate to the usual charges of H.M. Government in Jamaica and sufficient for their own defence, that H.M. may not be under a necessity of applying to the Legislature of Great Britain to do that for Jamaica which the people of Jamaica do not seem hitherto inclin'd to do for themselves. We have laid the Act for the increase of your Grace's salary before H.M. for his Royal approbation, notwithstanding the omission of that part of your Grace's Instruction which requires a clause to be inserted therein to prevent its taking effect till H.M. pleasure should be known thereupon ; But we are afraid your Grace will reap no great benefit by this Act unless there be a more ample Revenue settled for H.M. Government in Jamaica. [C.O. 138, 16. pp. 447-450.]

June 13. **583.** Mr. Popple to Horatio Walpole. Encloses extract
Whitehall. of Mr. Burchett's letter, 7th May, relating to the estate of George Nailer (Naylor), to be laid before the Lords Commissioners of the Treasury. [C.O. 5, 915. p. 360.]

June 13. **584.** *Same* to Horatio Walpole. Encloses extract of letter
Whitehall. from Governor Worsley, 26th March, relating to illegal trade with Martinique, and request for a sloop as *guarda costa.*, to be laid before the Lords of the Treasury. [C.O. 29, 14. pp. 374.]

June 13. **585.** Council of Trade and Plantations to Robert Walpole,
Whitehall. Chancellor of the Exchequer and Principal Secretary of State. Enclose two addresses from Governor, Council and Assembly of Barbados to be laid before H.M. *Autograph Signatures.* 1 p. [C.O. 28, 39. No. 14 ; and 29, 14. pp. 368, 369.]

June 13. **586.** A. Popple to Mr. Attorney and Solicitor General.
Whitehall. Encloses Act of Barbados for supporting the honour and dignity of the Government for their opinion thereupon in point of law. [C.O. 29, 14. p. 369.]

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June 13. **587.** Council of Trade and Plantations to Governor Worsley.
Whitehall. *Acknowledge* letters of 26th March and 9th April. *Continue* :
We congratulate you upon your safe arrival as well as upon
the disposition of the Council and Assembly to settle the affaire
of the Island upon a good foot, and to support H.M. Govern-
ment there. *Refer to three preceding etc. Enclosed,*

587. i. Queries to Governor Worsley. Similar to those sent
to other Governors of Plantations, with a request for
an annual return thereto. [C.O. 29, 14. pp. 370-374.]

June 13. **588.** Council of Trade and Plantations to the Lords Justices.
Whitehall. *Propose* Col. John Plaisted and John Frost for the Council of
New Hampshire, in place of Peter Weare and Nicholas Gilman,
who refuse to qualify themselves as Councillors. [C.O. 5, 915.
p. 361.]

June 13. **589.** Mr. Popple to Mr. West. Encloses for his opinion in
Whitehall. point of law Act of St. Kitts, 1722, *for enabling Andrew and
Peter Audain to sell lands etc.* [C.O. 153, 14. pp. 108, 109.]

June 19. **590.** Council of Trade and Plantations to Lt. Governor
Whitehall. Drysdale. *Acknowledge* letter of 20th Dec., and *congratulate*
him upon his safe arrival. *Continue* :—We think it may be
for H.M. service to begin our correspondence with you by taking
notice of several particulars in your predecessors letters which
we had no opportunity of answering before his removal. *Refer*
to Representation of July 1721, relating to the two new Counties.
Continue :—As soon as we shall have receiv'd H.M. directions
thereupon, we shall not fail to give you an account thereof.
Nothing hath hitherto been determin'd by H.M. upon this head ;
But we apprehend the remitting of the quit rents for ten
years *etc.* will meet with very great difficulties at the Treasury.
We observe that several disputes have arisen between your
predecessor and the House of Burgesses in relation to some
privileges claim'd by them, and must desire you would take care
there be no innovations made on H.M. Prerogative or the ancient
usage of your Assemblies, and we doubt not but that by your
prudent management all those animosities will cease. *Refer*
to project of light-house. (v. 10th July, 1722 etc.) Continue :—
Considering that the duties to be levied for that purpose would
chiefly affect the trade and shipping of this Kingdom, and that
the merchants here seem already alarm'd at the proposal, we
must desire that if you pass any Act for that purpose you would
at least take care to insert a clause therein (pursuant to your
additional Instruction) to suspend the effect of the said Act
till the same shall have been confirm'd by H.M. We must
desire you would take all possible care to maintain and cultivate
a good correspondence with the five Indian Nations *etc.*, and
we hope Colo. Spotswood's late negotiations will have had a

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good effect, but we were some time apprehensive of very bad consequences from the disposition of former Assemblys upon this head, in their Addresses to Colo. Spotswood they took this matter in too high a tone, for it is most certain that the people of Virginia will find themselves involv'd in all the misfortunes that may happen from a rupture with these Indians, tho' it may be they will not be so soon and so immediately affected by them as the inhabitants of New York, and we desire you would particularly recommend to them to remember that Virginia and New York being both of them Provinces under H.M. Government it doth behove them both mutually to contribute to each other's security upon all occasions, inasmuch as H.M. service in general is greatly concern'd therein, and altho' it is not expected that Virginia should be at the same expence as New York in treating presenting or entertaining these Indians, yet it would certainly highly reflect upon the discretion and loyalty of Virginia, if for the sake of a punctilio or for the sparing of a small sum of money they should at any time give cause of offence to the said Indians, whereby their affections to the British interest may be alienated *etc.* *Quote from* their letter of 14th July, 1720. *Continue*:—We have read what Col. Spotswood writes in relation to the piracies committed by the Spaniards at St. Augustine, but as none of the persons who have suffered thereby have as yet appear'd to specify their particuler losses, we could do no more but inclose extracts to Lord Carteret *etc.* The Auditor of H.M. Revenue in the Plantations has made many objections to the Act for better collection of the quit rents, of which you will receive herewith a copy that you may get another Act passed not liable to the same difficulties; meanwhile we have represented to H.M. that it will be for his service to repeal the present Act. We congratulate with you upon the timely discovery of the negroes conspiracy and most heartily wish you success in all your proceedings for H.M. service and the prosperity of his Colony *etc.* [C.O. 5, 1365. pp. 245–250.]

June 19. **591.** Council of Trade and Plantations to the Lords Justices.
 Whitehall. We have had the opinion of Mr. West upon an Act lately passed in Carolina entituled An Act for the *good Government* of Charles Town. We have likewise examined into the complaints made by Mr. Shelton *etc.* against the said Act, and heard what could be offered in defence thereof by Mr. Yonge, and are of opinion that this is a law of a very extraordinary nature, and consequently ought not to have been assented to by H.M. Govr. of S. Carolina without a clause to prevent the same from taking effect till H.M. pleasure thereupon should have been known, pursuant to H.M. Instructions to all Govrs. *etc.* We are very doubtful whether it would be for the benefit of trade to incorporate this town even in the common form of incorporations;

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but the Corporation created by this Act is different from any other we have yet met with, and it is plain by the proceedings of the new Magistracy thereby erected, the inhabitants have already been much oppressed. Besides we are of opinion that incorporations should take their original rise from the bounty of the Crown, by H.M. Letters Patents, rather than from an Act of Assembly. Wherefore we would humbly propose to your Excellencies that this law may be repealed. [C.O. 5, 400. *pp.* 164, 165.]

June 19. **592.** Horatio Walpole to Mr. Delafaye. It being stipulated in the 12th Article of the Treaty of Utrecht *etc.*, that, on the same day whereon the ratifications of the Peace should be interchanged, solemn and authentick letters or instruments should be delivered to H.M. by virtue of which it should appear that the Island of St. Christophers and other places in the said Article mentioned were to be possessed, from thence, by British subjects alone. The Lords Commrs. of H.M. Treary. desire you to inform them whether such letters or instruments are delivered, and if so where recourse is to be had to them. *Signed*, H. Walpole. *Addressed.* 1 p. [C.O. 152, 42. No. 118.]

June 20. **593.** Council of Trade and Plantations to Mr. Secretary Whitehall. Walpole. *Enclose Act of Bermuda to supply the deficiency of several funds etc.* and Address thereupon (*v.* C.S.P. Nov. 23rd, 1722). *Continue*: This Act being contrary to the Instructions lately given to Governors, as a matter affecting the trade of Great Britain, *etc.*, we thought it not proper to lay the same before H.M. for his Royal confirmation. But at the same time considering the poverty of Bermudas, and that it will be very difficult for them to find any other fund to defray the necessary charges of that Government, we thought it reasonable to let this Law lye by, that Col. Hope might (if possibly he could) find some other fund for the purposes of the present Act, less lyable to objection, and writ to him accordingly. But Col. Hope in answer to our letter having represented that he found it would be some time before that country could possible raise money for the support of the Govt., by any other means, and that the annual amount of this Act will not exceed £200 pr. annum, and having therefore desir'd that it might be confirm'd for the space of 3, instead of 21 years, we shall take the liberty unless we receive H.M. Orders to the contrary, to let the said Act lye by for the time mention'd in Col. Hope's letter and shall write to him by the first opportunity to the same purpose as we did formerly. [C.O. 38, 7. *pp.* 473, 474.]

June 20. **594.** Order of Lords Justices in Council. Referring to Whitehall. Committee of Council report of 24th May upon Act of Jamaica

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to augment the Governor's salary etc. Signed, Jas. Vernon. Endorsed, Reed. 20th Aug., Read 2nd Oct., 1723. 1 p. [C.O. 137, 14. ff. 227, 228v.]

June 20. **595.** Order of Lords Justices in Council. Referring Acts
Whitehall. of Jamaica for making *H.M. Revenue perpetual etc. and preventing frauds, etc. in collecting H.M. Revenue*, with representation *etc.* of 24th May, to Committee of Council. *Signed and endorsed as preceding. 1¼ pp. [C.O. 137, 14. ff. 229, 229v, 232v.]*

June 21. **596.** Order of Lords Justices in Council. Referring same
Whitehall. to the Lords Commissioners of the Treasury, who are to report how far the Revenue given will answer the necessary provision for the support of the Government, and how far *H.M. Instruction* hath been pursued in passing the said law *etc.* *Signed and endorsed as preceding. 1½ pp. [C.O. 137, 14. ff. 230, 230v, 232v.]*

June 20. **597.** Order of Lords Justices in Council. Approving
Whitehall. draught of Instructions to Lt. Governor Burrington *etc.* *Signed, Jas. Vernon. Endorsed, Reed. 20th Aug., Read 2nd Oct. 1723. 1 p. [C.O. 5, 1266. ff. 135, 136v.]*

June 20. **598.** Council of Trade and Plantations to Governor Hart.
Whitehall. *Acknowledge letters of 2nd May, 22nd June, 11th July, 1722 and 26th Jan. 1723, etc. Continue:—As to the Act of St. Christophers for settling £2000 per annum etc. for your salary, and the other Act from whence the said is to arise for laying certain duties upon sugars etc. exported etc., these being agreeable to your Instructions we took the first opportunity of laying them before H.M. for his royal approbation. If the two Acts pass'd in Antego and Montserrat for the same purpose had been conceiv'd in terms no more lyable to objection, we should likewise have represented in favour of them. But that of Antego affecting the trade and shipping of Great Britain hath been repeal'd as you will see by the Order of Council inclos'd, and the other from Montserrat will be laid before H.M. to be repealed for the same reasons; We hope however these Islands may be induced to make a suitable provision for you, upon the repeal of the former Acts for that purpose, and raise the same by such methods as may leave no room for objections at home, for we are sensible that the discharge of your trust, and the frequent visits you are obliged to make to the several Islands under your Government must be attended with a considerable expence. We are very much oblig'd to you for the short state you have sent us of the several Islands under your Government, and we shall with pleasure receive any additions that you may occasionally make to it, for which purpose we send you inclosed some heads of inquiries, being*

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the same that are transmitted to the several Governors of H.M. Islands in America. We did some time since represent as you desired the necessity of naming two new Councillors in the Island of Nevis, *etc.*, and Wm. Pimburt and Major Abbot whom you named have accordingly been appointed *etc.*, and likewise Major Holmes to succeed Mr. Lydel in St. Xtophers *etc.* We are glad to understand that the Militia of St. Xtophers is upon so good a foot, and we doubt not but that of Nevis will in time by your directions be brought into better order. We thank you for the particular account you sent us of the proceedings between the English and French at St. Lucia; the consideration of that matter now lies before his Majesty, in the mean time we think you have done very well to ingage sevl. of the persons designed for the planting of that new Colony to settle with you, it being undoubtedly for H.M. interest, that the Leeward Islands should be well peopled. We approve very much of the letters you writ to the Governor of Martinique in favour of H.M. subjects who have been ill-treated there; we have transmitted copies thereof, together with copies of ye papers you sent us relating to Sta. Lucia, to the Lord Carteret, that he might lay the same before H.M. We have long had under our consideration the Act passed at Antego in 17th *to indemnify Ant. Brown and John Elliot from a certain bond, etc.*, and upon the return of an answer to several queries formerly sent to your predecessor from this Board, we heard Counsel upon this matter, and it would seem to us very reasonable that this Act should be repeal'd. But however considering that it is very probable that several sums of mony have actually been collected and employed, by vertue of this Act for the building a new Church tho' it might be reasonable on the one hand to free the inhabitants from the apprehension of further collections, so on the other side it would seem just to indempnify those who have hitherto been concern'd in the execution of this Act from prosecutions and lawsuits by reason of their having so acted, and if we are rightly informed the disputes between the Parishioners might best be composed by passing of a new Act for these purposes which we recommend to your care, and we shall let the old Act ly by till we hear further from you. We shall be glad to receive from you the collection of the Laws of the several Islands under your Govt. so soon as the same can be made compleat. We take this occasion to assure you that we sincerely wish you success in all your undertakings for the benefit of H.M. service. *P.S. June 21st.* Since the beginning of our letter we have been favoured with yours of the 9th of April last, and have sent an extract of it, so far as relates to the ill usage H.M. subjects have met with from those of France to Mr. Secy. Walpole that he may lay the same before H.M. *etc.* We thought it proper to lose no time in this matter, it being highly necessary to put a stop to these unreasonable and violent

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depredations as soon as possibly may be. We shall consider the Acts mentioned in your letter and have a just regard to the Representations you make concerning them. [C.O. 153, 14. pp. 109–116.]

June 21. **599.** *Same* to Mr. Secretary Walpole. Enclose extracts from Governor Hart's letter, 9th April, "by which we find this evil (*the ill treatment of H.M. subjects by the Governor of Martinique*, 10th April), is grown to so great a head, it will be absolutely necessary H.M. should have the goodness to interpose his authority without loss of time to put a stop to these violent and unreasonable depredations made upon H.M. subjects in the West Indies by those of his most Christian Majesty." 1 p. [C.O. 152, 40. No. 5; and 153, 14. pp. 116, 117.]

June 21. **600.** Mr. West to the Council of Trade and Plantations. Report upon 5 Acts of Bermuda, to which he has no objection. *Signed*, Richd. West. *Endorsed*, Recd. 22nd June, Read 26th July, 1723. 1 p. [C.O. 37, 10. No. 42.]

June 23. **601.** Order of Lords Justices in Council. Appointing Col. John Plaisted and John Frost to the Council of New Hampshire. (v. 13th June). *Mem.* The Agent of New Hampshire has been acquainted with this Order, though he has not taken it from the Council Office. *Signed*, Jas. Vernon. *Endorsed*, Recd. 17th, Read 18th Dec., 1723. 1½ pp. [C.O. 5, 869. ff. 1, 2.]

June 24. **602.** Petty Expenses of the Board of Trade, March 25th–June 24. v. *Journal of Council*. 6 pp. [C.O. 388, 78. ff. 63–70.]

June 25. **603.** Lt. Governor Hope to [?Lord Carteret]. This will be delivered to your Lordp. by a son of Capt. Falconers: who is the chief cause of this letter, from the talk wee have had together about the Baltick; which I assure your Lordp. (at the currencie of conversation here) has been of great consolation to me. Your Lordp. may have met with people in your travels whose talent consisted in lentheing of a story. The people here are particularly gifted that way with the addition of a faculty which seems to me to be something supernatural and very much akin to the knack that J. Caesar had of dictateting to several Secretaries at once *etc.*: but very different in effect: for here a man can with a great deal of ease tell three or four different storys (at once) so twisted and interwoven that the devil himself cau'd not tell what he would be at. My Lord I assure you a new face is a very acceptable thing here, but this young fellow who does not want sence was in a particular manner

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welleome as he brought to my remembrance in a more lively manner the reception I met with in that part of the world when I had searce anything to rely upon but despair. I am now more seneible of the poor pickle I was in than ever *etc.* *Expresses gratitude.* *Continues* :—This place is no worse than what I expected, and as for liveing it's tollerable and cheap : for diversions, a sportsman may be very well diverted here with shooting and fishing provided he can bear the seorching sun and tumbleing of the sea. But I am too much a man of business to give myself that latitude. And to speak seriously any business that there is here gives me trouble enough ; for I am oblidge'd to do every other body's duty as well as the Governours, for it is not worth any subaltern's while here to do his duty. Piracy and accessarys to piracy are crimes here just as epedemick as whoreing and drinking, nor is it lookt upon by us here to be more enormous than smuggling is in Brittain. I cou'd give your Lordp. several instances to convince you that what I say is literally true. But shal only trouble you with the answer of an honest man to whom not long ago I was lamenting the correspondence I perceived there was betwixt these people and the pyrates. Sr. (sayd he) you'l have business enough upon your hands if you go about to reetifie that, for, there is not a man that sails from hence but will trade with a pyrate *etc.* I have of late made a discovery from whence the first ideas of the South Sea took their rise *etc.* About 34 years ago a pyrate ship came in here and the crew for want of evidenece were dismiss'd, they haveing committed no hostilitys but in the South Sea : The mate of that ship, one leak, married here, and about 3 or 4 years afterwards died, leaveing with his wife some papers which he told her might be of use to somebody. About 16 years ago one Mr. Pulleine losst his ship here and happening to lodge at this woman's house (who suffer'd these papers to lye up and down loose) took a fancie for them and stole them ; it seems that these were the Journals of all their transactions and navigation with a particular account of all that coast and discription of its harbours and strenths. This manuscript Mr. Pulleine (who was a merecurial fellow with some learning) was at the pains to put in a dress which it seems pleas'd my Lord Oxford as pass'd it upon his Lordp. for the Journal of a voyage, which he had perform'd : He had for his reward the Govermt. of this place where he lived about two years and was fool enough to make this discovery. I shall refer your Lordp. to the bearer for the news of this place which is not worth troubling you save that two pyrates mentioned 20th March are condemn'd to be hang'd on 28th of this month : I have a great deal of business which is not yet ripe to lay before your Ldp. and I wait for the answer to what I have already writt *etc.* *Signed*, John Hope. *Endorsed*, Rd. Aug. 4th., Rd. at Hanover 27th Aug. N.S. *Holograph.* 5 pp. [C.O. 37, 26. No. 27].

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604. Petition of James Woodside to the King. Petitioner was late minister of the Gospel at Brunswick, N.E. With 40 families, consisting of 160 persons, he did in 1718 embark at Derry Lough in order to erect a Colony in Casco Bay, Main, N.E. They made a settlement at a place called by the Indians Pegipscoot, but by them Brunswick, within 4 miles from Fort George, where (after he had laid out a considerable sum upon a garrison house, fortify'd with palisadoes and two large bastions, had also made great improvements, and laid out considerably for the benefit of that infant Colony) the inhabitants were surpriz'd by the Indians in July, 1722, who came down in great numbers to murder them. The inhabitants, naked and destitute of provisions, were sheltered and provided for in petitioner's house, which is still defended by his sons. The Indians in revenge destroyed all his cattel and moveables *etc.* *Prays*, in compensation for his enterprise, great losses, and the bravery of his sons, to be appointed to succeed Mr. Cummins, Searcher at Boston, lately deceased. 1 p. *Attached*,

604. i. Certificate by Governor Shute, London, 25th June, 1723. Confirms preceding. Petitioner's generosity is taken notice of by both Doctors Mathers *etc.* *Signed*, Samuel Shute. *Copy.* 1 p. [C.O. 5, 752. Nos. 20, 20. i.]

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New York.

605. Governor Burnet to the Council of Trade and Plantations. I have the satisfaction to send your Lordships an account of the success I have had, in settling a trade with the far Nations of Indians. Last Spring there came about twenty far Indians to Albany, and this month about eighty, besides women and children which they commonly bring with them where ever they go. I have sent your Lordships a Minute of all their proceedings at Albany, by which it appears that they are now incorporated with the five Nations, who had before admitted the Tuskarores, to make a sixth Nation, and now this far Nation has been received as a seventh. They are come above a thousand miles to Albany, from Misilimakenac, which lyes between Lac superieur and Lac Huron, as it is laid down in De Lisle's Map of the Lovisiane. I have now intelligence of forty or fifty more far Indians who are coming to Albany to trade, and thus I find the fruits of the Act restraining the trade to Canada, and of the Company whom I have kept in the Sinekees country, whose business it has been to perswade all the Indians that pass by, to come rather to trade at Albany than at Montreal, and as the Indians who come from the remote Lakes to go to Canada are commonly in want of provisions when they come below the falls of Niagara, they are obliged to supply themselves in the Sinekees country, where our people are, and then they may take their choice where they will go and trade, which considering the experience they have now had of the cheapness

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of goods in this Province, we need not fear will be universally in our favour, and I now flatter myself that the most difficult part is over, since the very traders of Albany, who were fond of trading to Canada, generally confess their error, and that since the remote Indians will come to them, they ought not to share that trade with the French, which they may keep wholly to themselves. If I am so happy as to get the two pr. cent. Act confirmed, I shall be very earnest to build a fort in the Indian country among the Sinekees, which I beleive will be the best way to secure the passage of these remote Indians from any interruptions which may be given them by the French, who have their Agents continually busy to pervert our Indians. I send your Lordships two discourses which Mr. Colden, has composed at my desire *etc. v. following*. The Assembly is now sitting in this place, they have made some provision for the deficiency in the Revenue and for the expence of keeping a Company in the Sinekes country, but as they have not quite finished, I shall defer giving a particular account of their proceedings to another opportunity. *P.S. Repeats part of following relating to capture of pirates, etc. Signed, W. Burnet. Endorsed, Reed. 7th Aug., Read 23rd Oct., 1723. 2 pp. Enclosed,*

605. i. An Account of the Trade of New York. By C. Colden, Surveyor Genll. of the Province. *Set out, N.Y. Col. Does. V. pp. 685-690. Same endorsement. 14 pp.*

605. ii. An Account of the Climate of New York. By C. Colden *etc. Set out, N.Y. Col. Does. V. pp. 690-692. Same endorsement. 7½ pp.*

605. iii. Conference of the Commissioners of Indian Affairs in Albany, with 80 men of the Far Indians *etc.*, 29th May, 1723. *Set out, N.Y. Col. Does. V. pp. 693-697. Endorsed, Reed. 7th Aug., 1723. 11½ pp. [C.O. 5, 1053. ff. 147-148v., 149v.-166v.]*

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New York.

606. Governor Burnet to Lord Carteret. *Refers to letter of 12th Dec., 1722, and encloses accounts of the climate, trade and product of the Province. Continues:—*They are both done by Mr. Colden the Surveyor General, a person who has seen most parts of America, is a good physician and has been a merchant several years *etc.* He is preparing a map of the Province, which I have directed him to draw from all the latest surveys and particular drafts that have been made since any that are in print *etc.* I shall soon be able to send your Lordship the number of the inhabitants *etc.* The other enclosed relation is a Minute of the Transactions of the Commissioners whom I have appointed to take care of the Indian affairs at Albany. *etc. Repeats account of incorporation of Seventh Nation as in preceding. Continues: This Seventh Nation are come to trade here upon the general invitation which I have*

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given to all Indians, promising them goods cheaper than it is possible for the French to afford them: and to which end I have for two years together kept a small party of English constantly among the remotest of the five Nations called Sinekees, whose business it is to give this advice to all the Indians that travel that way, which almost all the Indians that go for Canada, are obliged to do, in order to buy Indian corn, to enable them to continue their journey. I have now the pleasure to find the good effect of this attempt, which we have a right to do by the 15th Article of the Treaty of peace at Utrecht. The prohibition of Indian goods to be carried to Canada, has been the chief means of bringing that trade into our own hands, which is now so forward, that I believe it is out of the power of the French to prevent the Indians from going on with it, either by promises or threatnings, which they have already employed with the utmost industry: and indeed in an unjustifiable manner, by sending people to reside among the five Nations, in order to perswade them to shake of their dependance on Great Britain, which I humbly hope your Lordship will obtain orders from the Court of France to prevent for the future. *Repeats part of preceding.* I have the honour to acquaint your Lordship with the good news that the Station ship for this place under the command of Captain Solgard, has on the 10th of this instant June engaged two pirate sloops at once, of about 70 men and 8 guns a piece, under the command of one Low, and after having disabled one towards night, she struck to the man of war, but night coming on, he lost sight of the other which seem'd much shattered, he brought in his prize into Rhoad Island, and immediately went out in quest of the other, which he writes me word, he has intelligence by which he beleives he shall find her to thee eastward of Boston. This blow, with what they received from Captain Ogle will I hope clear the seas of those accomplished villains. These last have been remarkably cruel, and have done vast damage in the West Indies, but the honour of destroying them, has been reserved for Captain Solgard, whose merit makes everybody glad it has falln to his share, at the same time that they rejoyce at the publick deliverance *etc.* *Transmits* "a very dutifull Adress to H.M. from the Judges, Justices and Grand Jury of this City" *etc.* *Signed,* W. Burnet. *Endorsed,* Rd. Aug. 17. N.S. 6½ pp. *Enclosed,*

606. i. Address of the Justices, Attorney General, Officers and Grand Jury of the Supreme Court of New York to the King. New York, June 11, 1723. *Thank* Divine Providence for enabling H.M. to prevent "the wicked attempts of traitorous and disaffected subjects, endeavouring to place a Popish Pretender on the British Throne" *etc.* *Congratulate* H.M. on a discovery of so great consequence to all H.M. good subjects, the

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Protestant interest and happiness of Europe *etc.* *Signed*, Lewis Morris, Chief Justice, R. Walter, Justice, Richd. Bradley, Att. Genll., May Bickley, H. Vernon, H. Wileman, Jos. Murray, S. Clowes, Robt. Livingston junr., Wm. Dugdale, David Jamison, B. Bynder, Isaac Gouverneur, Robt. Crooke, Andr. Madeschalk, Anthony Rutgers, William Smith, Gerard Beckman, jr., Pr. Vallet, Jos. Reade, John Walter, Fred. v. Cortland, Benja. Wynkoop, Cor. van Horne, senr., Jno. Peloquin, Oliver Schuyler, Mathew Clarkson, Jos. Robinson. *Parchment.* 1 large p.

606. ii-iv. Duplicates of *Nos.* 605 i-iii.

[*C.O.* 5, 1085. *Nos.* 35, 35. i-iv ; and (duplicate of covering letter) 35 v.]

June 25. **607.** Mr. Popple to Horatio Walpole. *Encloses* letter from Whitehall. Lt. Governor Hope relating to the disputes concerning the collection of H.M. Revenue in Bermuda, (v. C.S.P. 12th April, 1722), and the very great disorder the same is in, for directions from the Lords of the Treasury, *etc.* [*C.O.* 38, 7. pp. 477, 478.]

[June 26] **608.** Extracts of Governor Hart's letters, to the Council of Trade, 26th Jan., and April 9th with copies of his letter to the General of Martinique 8th Sept., 1722 and Jan. 4, 1723 (v. Jan. 26) ; and of Capt. Brathwaite to Governor Hart, 14th Feb., and deposition of Habbijah Savage (v. April 9th). *Endorsed*, Sent in letter from Mr. Delafaye to Mr. Crawford, June 26, 1723. [*C.O.* 152, 42. *Nos.* 119-126.]

[June 26.] **609.** Copy of *No.* 599. *Endorsed as preceding.* 1 p. [*C.O.* 152, 40. *No.* 6.]

June 26. **610.** Mr. Delafaye to Mr. Crawford. The Lords Justices Whitehall. send you the inclosed papers from the Council of Trade, containing a complaint of the depredations of the French who inhabit the island of Martinique, and particularly of the barbarous treatment of Habbijah Savage, master of the *Postillion* sloop, which one of their guardes dez costes hath unjustly seized and made prize, as they have done several others. These violent and inhuman proceedings contrary to the laws of Nations and to the Treaties and the friendship happily established between the two Crowns deserve a serious attention ; and as the Lords Justices cannot conceive that they will be approved and countenanced by the French Court, their Exeys. hope you will easily obtain immediate redress and such orders to the Governors of Martinique and the other French Colonies in those parts, as may prevent any further violations of the treaties and of the Peace *etc.* *Signed*, Ch. Delafaye. 1½ pp. [*C.O.* 166, 1. *No.* 6.]

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June 26. **611.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. Wee have no objection to the Act of Barbados *for supporting the honour and dignity of the Government, etc.* Signed, Rob. Raymond, P. Yorke. Endorsed, Reed. 27th, Read 28th June, 1723. 1 p. [C.O. 28, 17. ff. 308, 309v.]

June 26. **612.** Council of Trade and Plantations to Governor Phenny. Whitehall. We have lately had under our consideration several letters received from you, of which the last bears date ye 2nd of March, 172 $\frac{2}{3}$. From the tenour of them all we are fully convinced that you are using your best endeavours to propagate the trade of the Islands under your Government, and to put them in a posture of defence by repairing your fortifications and encouraging people to settle with you ; in which undertakings we heartily wish you success. We have frequently thought of what you propose relating to the constitution of an Assembly ; and tho' there have been some objections made to it, yet we do agree with you that an Assembly under proper regulations might be for H.M. service and for the advantage of the Bahama Islands. Therefore we desire you will send us a scheme for the forming of this Assembly, wherein you will specify what number you would have the same consist of, and how many Assembly men for each of the Islands, towns or districts, together with your own thoughts at large upon everything that may relate to this matter. And for your better government in this particular we send you copies of Instructions formerly given to the Governors of New Jersey and Nova Scotia, which may be of use to you in the forming of a scheme for the settling of your Assembly. You have done very well to resent the ill treatment H.M. subjects under your Government have met with from the Spaniards. And when you have any further complaints of the like nature, be pleas'd to let us know them. *Acknowledge public papers and thank for accounts of the Islands etc. Continue :* But that we may from time to time be more perfectly inform'd of the state of them, we send you enclos'd a copy of queries which have been sent to the several Governors of H.M. Islands in America (v. March 27, 1724), to which we desire your particular answer. [C.O. 24, 1. pp. 72-74.]

[June 26.] **613.** Mr. Forward to Mr. Popple. *Prays for repeal of Act of Virginia for amending the Act concerning servants and slaves and for the better Government of convicts imported and for the further preventing the clandestine transportation of persons out of this Colony, "Which Act would disable me from performing my contract with the Government for transporting felons, and in a great measure destroy the intent of the Act of Parliament lately pass'd for that purpose" etc.* Signed, Jona. Forward. Endorsed, Reed. Read 26th June, 1723. Addressed. 1 p. [C.O. 5, 1319. No. 23.]

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- June 27. **614.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Michaelmas, 1722 to Midsummer, 1723. There was then nine months salary due to the Secretary and other Officers *etc.* *Accounts annexed.* [C.O. 389, 37. pp. 230-233.]
- [June 27.] **615.** Petition of Traders to Bermuda to the Council of Trade and Plantations. *Pray that* a short day may be appointed for them to be heard against the Act of Bermuda, *to supply the deficiencies of several funds, etc.*, against which they entered a caveat (v. 1st May); the said Act being in force till disapproved here (there being no clause to suspend the execution thereof, as in an Act of this nature there ought to have been), and being contrary to the Acts of Trade and Navigation and very prejudicial to the trade of Great Britain. *Endorsed*, Recd. 27th June, Read 14th Nov., 1723. 1 p. [C.O. 37, 10. No. 49.]
- June 27. **616.** Mr. Popple to Mr. West. Encloses, for his opinion in point of law, Act of Virginia *amending Act concerning servants, slaves, and convicts, etc.* [C.O. 5, 1365. p. 251.]
- June 27. **617.** Order of Lords Justices in Council. Repealing Act of Whitehall. S. Carolina *for the good Government of Charles Town.* Signed, Ja. Vernon. *Endorsed*, Recd. 20th Aug., Read 2nd Oct., 1723. 1½ pp. [C.O. 5, 359. ff. 1., 1v., 2v.]
- June 27. **618.** Order of Lords Justices in Council. Approving Whitehall. draughts of Additional Instructions concerning passing of private Acts *etc.* Signed, Ja. Vernon. *Endorsed*, Recd. 20th Aug., Read 2nd Oct., 1723. 1½ pp. [C.O. 323, 8. No. 40.]
- June 27. **619.** Mr. Popple to Mr. West. The Council of Trade and Whitehall. Plantations return your report upon the Act of Jamaica *for the speedy settling of the Plantation called Pero or Pera etc.*, and desire you would *make it special etc.* [C.O. 138, 16. p. 451.]
- June 27. **620.** Order of Lords Justices in Council. Repealing Act Whitehall. of Bermuda *to supply the deficiency of several funds, etc.* Signed, Jas. Vernon. *Endorsed*, Recd. 20th Aug., Read 2nd Oct., 1723. 1½ pp. [C.O. 37, 10. No. 44.]
- June 27. **621.** Council of Trade and Plantations to Lt. Governor Whitehall. Hope. *Acknowledge* letters of 9th Sept. and 23rd Nov., 1722, and 21st Feb., 20th March, and 12th April, 1723. *Continue*: As to what relates to the dispute between you and the Receivers of the Admiralty, it is a matter not properly under our cognizance, but we directed your Agent Mr. Drummond to apply to the King's Advocate and Attor. Genl. for their directions therein. We thank you for the severall publick papers you have

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remitted us, and likewise for the genl. acct. you have given us of the state of the Islands *etc.* We doubt not but you will continue from time to time to transnit to us particular acct. of anything material that shall happen with you, in the meantime we send you copies of Queries prepared for the several Governors *etc.* (v 27th March, 1724), to which you will be pleas'd to send us as particular an answer as you can. We are concerned to observe the confusion there has been in the publick accts. of your Govt. and to find your Treary. so much in debt, but we hope that by your prudent management the affaires of Bermuda will be put upon a better foot. You do very well in sending us (pursuant to your Instructions) the sevl. publick accts. inclosed 12th April last, and we desire you would continue from time to time to send them to us, tho' all matters relating to the King's Revenue are more immediately the province of the Treary., to whom we presume you have sent duplicates of these accts. as well as to the Auditor of H.M. Plantations, however we have sent a copy of your said letter to the Lords of the Treary., that they may give the necessary orders therein, and we have likewise transmitted to Mr. [Robert] Walpole an extract of your said letter, so far as it relates to the ill conduct of Thomas Brookes *etc.* v. *following.* *Continue:* We observe what you mention concerning the constitution of your Court of Chancery which is indeed different from those established in other Colonies. But yours being settled by an Act of Assembly which has recd. the Royal confirmation it is impossible to make any alteration in it unless your Assembly will repeal that Act, nor can that be done without H.M. consent first obtain'd for that purpose. As to what you mention about the oath of secrecy taken by your Assembly if the same has been established by long custom we do not see how that can be altered but by their own consent, for tho' the votes of the House of Commons here in England are printed they are printed by order of the House. As to the pyrates in custody, they must take their legal tryal. But the Act passed the last session of the last Parliament, *for the more effectual suppression of piracy* has made some alteration in the laws with respect to pyrates and their correspondents, a copy whereof we herewith send you. We shall very shortly take into our consideration the sevl. Acts you have transmitted to us, but in the mean time we hope you will be mindfull of what we formerly writ (14th June, 1722) relating to the Act *to supply the deficiencies of sevl. funds, etc.*, for altho' we have transmitted your Address upon this subject to Mr. Secry. Walpole, that the same may be laid before H.M. yet we must inform you, that it is not usual for the King to confirm any Act but for the precise term for which the said Act was pass'd, and therefore the utmost effect you can expect from this Address is, that the said Act may be permitted to lye unrepealed for three years, and before the expiration of that time, we presume

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you will take care to have another passed, not lyable to the like objections. As to what relates to your taking of presents, you know what your Instrns. are upon that head, and they will be your guide. P.S. Since writ the above letter, we are inform'd that the Lords Justices have repeal'd the above-mentioned Act *to supply the deficiencies etc.*, which will shortly be signify'd to you in form, so it will behove you without loss of time to think of other methods to supply the want of it. We have just received yours of 27th April last, and thank you for the accounts you therein send us. [C.O. 38, 7. pp. 478-483.]

June 27. **622.** Same to the Lords Justices. At the request of Lt. Governor Hope, move that Thomas Brooke be removed from the Council of Bermuda, and that Daniel Tucker be appointed in his stead. (v. C.S.P., April 12th, 1723, and A.P.C. III., No. 49.) [C.O. 38, 7. pp. 483, 484.]

June 28. **623.** Mr. Popple to Mr. West. Encloses for his opinion in point of law Act of Nevis, 1721, *for settling estate of Thomas Herbert decd. etc.* [C.O. 153, 14. pp. 118, 119.]

June 29. **624.** Mr. Walpole to Mr. Popple. The Lords Commissioners of H.M. Treasury desire copies of all Acts lately received from Jamaica, the Duke of Portland's Instructions *and other papers relating to the Revenue.* Signed, H. Walpole. Endorsed, Reed. 1st., Read 2nd July, 1723. Addressed. 1 p. [C.O. 137, 14. ff. 202, 203v.]

June 29. **625.** Lt. Governor Drysdale to the Council of Trade and Plantations. Refers to letter of 16th May. Encloses Journals and Acts of Assembly *etc.* Continues: (i) The first is an Act *for laying a duty on liquors and slaves*: the preamble whereof doth very fully sett forth the occasion the Colony has to recruit its exhausted Treasury: the arming the Militia for the guard of the country as well against forreign invasions of Indians and others as intestine commotions of slaves; and the lessening the levy of the poll, which otherwise would lye heavy on the people at this time, when tobacco their only commodity is become of little value, are two of the cheife views of this bill: and for these purposes itt has been thought fitt to have recourse to the same funds which have been found most easy on the like occasions: that is, to lay a duty of four pence a gallon on all wine and spiritts imported, a penny on all syder, beer or ale, with an exemption from any duty for such liquors as are imported directly from Great Britain: and forty shillings a head on all imported slaves: This is the substance of that Act *etc.* It has in itt nothing new or unusuall; the dutys is the same as in divers former Acts past here; that on slaves is

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three pounds a head less than that imposed by the Act of 1710, which continued till 1718 without any exception *etc.* *Continues* : It seemed therefore to me more adviseable to pass this Act with a suspension of its taking place, til the first of April next, whereby time is given for H.M. to repeal itt, if itt be judg'd an improper duty, rather than by rejecting it here, to disoblidge the people, who had it so much at heart. (ii) An Act *for the settling and better regulation of the Militia*. This Act is in a great measure the same, with that past in 1705, which has subsisted ever since without any objection. All that is new, is, that, the persons oblidge'd to serve, are not to bee listed till they are twenty one : that, those who by reason of their offices are exempted from serving personally, by this Act are oblidge'd to furnish an horseman in their room, wch. will make a very great addition, to the body of ye Militia. That, all Comissioned Officers shall take the oaths to H.M. which was not directed by the former law. That those Officers who act in the fincing delinquents shal bee under an oath for their impartiall proceedings therein. And that the Officers as well as soldiers shal bee fined, who neglect their duty at the ordinary musters, or in times of danger : There are also in this bill some alteration in the armes which the Militia are to bee furnish'd with, but nothing of any consequence : nor indeed can I apprehend there is any thing contained in this bill improper for H.M. Royal approbation. (iii) The Act *for reviving an Act for security and defence of the country in time of danger*. The Act now revived, was first made in 1705, and has since been found so usefull and necessary, that upon the expiration thereof it has been severall times renew'd, and I hope the re-enacting it now will not bee blamed, since without such a provision for the payment of the Militia when called out on any extraordinary emergency, the Government would bee very much embarassed ; (iv) The Act *directing the tryall of slaves committing capitall crimes, and for the more effectual punishing conspiracies and insurrections of them etc.* is founded upon the discovery of a late conspiracy amongst the slaves to rise and cutt off their masters : The whole scope of this bill being to prevent the like combinations for the future, it has made negroes good evidence against those of their own condition, and colour ; and to restrain their unlawfull Assemblies, and in generall it establishes divers good and wholesome regulations for their better government : I doubt not itt will be judg'd by your Ldspps. as it is here, a very usefull and benefieiall law. (v) An Act *for the better and more effectual improving the staple of tobacco*. *Refers to Journal of Council, 20th June* for reasons for passing this Act. *Continues* :—As divers laws have been passed here, and are still subsisting for the better regulation of the manufacture of tobacco, which have pass'd in silence, without being taken notice of as extraordinary, so this Act is not to bee in force untill 1st April : by which time I hope to

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receive from yr. Ldpsps. the signification of H.M. pleasure *etc.* *Continues* :—The present low price of tobacco occasions so universall a complaint amongst the people, that I am apprehensive, that without some such measures as are proposed by this Act for raising the value of that commodity, itt will bee impossible to prevent their falling on other manufactures prejudiciall to the trade of Great Britain. (vi) *An Act for the better securing the paymt. of levies, and restraint of vagrant and idle people* : the cheife aim of this Act being to discourage idleness, and vice, and for the more effectuall employing the poor, in a manner agreeable to the circumstances of this country, and having nothing in itt repugnant to the law of England, or derogatory to H.M. prerogative, I need not trouble your Ldspsps. with any further observations thereon. (vii) *An Act for the transportation of Dick, and other negroe slaves* : The slaves mentioned in this Act, were the principall ringleaders in ye conspiracy : but being acquitted for want of legall evidence, there being no other than negroes lett into that secrett, it was thought convenient to transport them out of this Colony, as well to prevent their entring upon new plotts, as to discourage others by this example : for an exile from their wives and children, is almost as terrible to them as death ittself. (viii) *An Act appointing a Treasurer, and impow'ring him to receive the mony in the hands of the late Treasurer's.* As it has been always usuall upon the raising of new dutys to appoint a Treasurer in whose hands the same are to be lodg'd, so it has been thought proper on this occasion to lodge what mony remains in bank as well as what shall arise by the Act past this Session in the hands of one and the same person, to avoid the inconveniency of examining and settling different accounts : against which I think there can bee no reasonable objection : There is a clause in this bill, for applying part of the publick money, towards the payment of the Burgesses salary. Upon wch. I begg leave to observe to your Ldspsps. that this manner of paymt. has been practised for the two last Sessions, and seemes agreeable to the primary intention of raising those funds : vizt. the lessening the levy by the poll : and as the charge of so long a Session as this has proved, would have been very burthensome to the people, I hope I shall nott incurr your Ldspsps. censure, when in conformity to the establish'd practise, I have for the ease and satisfaction of the people consented to the application of this summe out of the publick mony, for wch. there is at present no other use. (ix) *An Act for raising a publick levy* : This being a common and usual bill for discharging the publick tobacco debts each session of Assembly, I need onely remark, that the mony raised by the former dutys has proved a very seasonable help to the people here, when no more than 5½ lb. of tobacco pr. poll. appears necessary to discharge the last yeares publick debts. (x) *An Act for enlarging the jurisdiction*

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of the Court of Hustings in the City of Williamsburgh etc. The encouraging a place establish'd by law for the seat of government, and to which there is the greatest resort from all parts of the country, on occasion of the Supream Courts of Judicature being held there, has always been the care of the genll. Assembly; and as this law passed the generall Assembly with an uncommon unanimity, so I had the opinion of the King's Attorney Genll. that there is nothing contain'd in itt, which entrenches on H.M. Royall prerogative. The other Acts passed this Session are five private bills: two for making parishes more convenient, one confirming a sale of lands made by the Pamunkey Indians, and two others for settling of entailed lands: neither of which require any particular remarks seeing the titles thereof, doe sufficiently express what is contain'd in them, and that they differ nothing from other Acts of the like nature, which have been passed here, and come under your Ldspps. view. These being the principall transactions in the late Genll. Assbly. I hope I need not give your Ldspps. the trouble of any observations on the journalls, which contain no more than the preparatory debates and resolutions of both Houses, in the framing these laws: And having caused what is most remarkable in these journalls, to bee noted on the margt. your Ldspps. will bee able with more ease to find out anything that is necessary for your information. *Encloses Journalls of Councell etc. Continues*:—On 26th April your Ldspps. will find the resolutions of a Councell upon a complaint of the Maherine and Nansemond Indians whose Settlements have been lately survey'd by the Officers of North Carolina and parcelled out to sundry persons in that Government: These Indians live within that part of Virga. weh. is claimed by the Proprietors of Carolina; they have always been tributarys to this Govermt. and their possessions are confirmed to them by the treaty of Peace in 1678: and it is presum'd upon a fair determination of the boundaries they will bee found far enough without the limitts of the Carolina Charter: But while these boundaries remain undetermined, the Officers of Carolina will still bee encroaching on this Government, and still disturbing both our inhabitants and tributarys: I therefore humbly offer to your Ldspps. consideration a proposall agreed on between the two Govermts. for the more easy settling these boundaries in 1715, and which I observe in a letter dated 1st June 1716 your Ldspps. are pleased to say, you will lay before H.M. and signifie his pleasure thereupon: if your Ldspps. shall now think fitt to renew yr. application to H.M. on this subject, I hope the boundaries may be so speedily settled, as to prevent the like disputes hereafter, and abundance of inconveniences which may arise from a longer delay. Another affair I have to take notice of to yr. Ldspps. in the Councell journall, is, that of the 30th of May, wherein the Councell are unanimously of opinion, that

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the Courts of Oyer and Terminer ought to bee constantly held on the days appointed by H.M. instructions, and not as heretofore occasionally called onely when there were criminals to try: This fix'd and establish'd method of holding these Courts, they judge more agreeable to H.M. intentions, because according to ye former practise, it has happened that persons accused of criminall offences have been committed so late, that there was not time to summon the judges, and so the criminall of course lay under confinemt. to the next Genll. Court: but now lett the committment be never so late, the judges attending on the day without summons, will always bee ready to expedite the tryall: and I hope as this seems more conformable to the design of those Courts, which were instituted to prevent long imprisonments, it will meet with your Ldspps. approbation. *Encloses accounts of Revenue etc. Continues*:—Notwithstanding the great expence in finishing ye batteries, and the necessary repairs of the Governours House, there is still in the 2s. per hhd. *etc.* a summe sufficient for defraying the charge of the Government, and in the quit-rents a very considerable ballance *etc.* The people here labour under great difficulties through the decay of their trade, yett I have the pleasure to assure your Ldspps. that there is a generall content and satisfaction throughout the Colony, which I shall endeavour to improve with all the advantage to H.M. service and the publick benefitt that I am capable off. P.S. The Genll. Assembly having agreed upon a very dutifull address to the King, I have sent itt to the Earl of Orkney to bee presented to H.M. *Copy enclosed. Signed, Hugh Drysdale. Endorsed, Recd. 4th Sept., Read 12th Nov., 1723. Addressed. Holograph. 10 pp. Enclosed,*

625. i. List of Enclosures. *Endorsed, Recd. 4th Sept., 1723.*

1½ pp.

625. ii. Address of the Council and House of Burgesses of Virginia to the King. *Congratulate H.M. upon "the timely discovery of the late most unnatural conspiracy against your Majesty's Royal person and Governmt." etc. Assure H.M. of their firm loyalty, and praise Lt. Governor Drysdale's "mild and just administration" etc. Endorsed as preceding. Copy. 1 p.*
625. iii. Account of H.M. Revenue of Quit-rents in Virginia, 25th April 1722–1723. *Totals: Receipts (including balance brought forward, £7813 1s. 5¼d.) £9,945 11s. Expenditure:—£6,651 1s. 6d. (including £5491 7s. 7½d. paid by H.M. Warrant to John Lord Belhaven, dated 25th Sept. 1721). Signed, John Grymes, Rec. Genll. Audited by Nathll. Harrison Dty. Audr. Same endorsement, 4 pp.*
625. iv. Account of H.M. Revenue of 2s. per hogshead *etc.* 25th Oct. 1722–25th April 1723. *Totals:—Receipts*

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(including balance brought forward, £4002 3s. 11d.) £4893 14s. 7 $\frac{3}{4}$ d. *Expenditure*, £2300 7s. 8d. *Signed, audited and endorsed as preceding.* 2 pp. [C.O. 5, 1319. Nos. 27, 27. i-iv.]

July 1. **626.** Governor Nicholson to Lord Carteret. *Refers to* letter of 23rd May. *Continues:* By this opportunity I send to the Honble. Francis Yonge Esq. severall papers *etc.* to waite upon your Lordship with them in order to receive your commands *etc.* I thank God we are in peace and quietness and a prospect of a good crop both of rice Indian corn *etc.* Mr. Yonge will lay before your Lordship what concerns H.M. Garrison Fort King George *etc.* as likewise what relates to the Spaniards of St. Augustine. This is designed God willing by Mr. Daniel Green a Gent. of a good character who hath officiated as Naval Officer since William Hammerton Esq. went from hence *etc.* He can give you a just and full account of all our affairs but more particularly concerning Trade and Navigation. I am now daily in hopes by Mr. Willm. Hammerton of receiving your Lordship's commands and that you have been pleased to send by him H.M. Royall lycence for my going to Great Brittain *etc.* *Signed*, Fr. Nicholson. *Endorsed (duplicate)* Rd. Feb. 12th, 172 $\frac{3}{4}$. 1 p. [C.O. 5, 387. No. 38.]

July 1. **627.** *Same* to the Council of Trade and Plantations. *Repeats preceding.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. 6th Feb., Read 29th Oct., 1724. 1 p. [C.O. 5, 359. ff. 44, 44v.; and (abstract) 5, 406. p. 10.]

July 3. **628.** Mr. West to the Council of Trade and Plantations. Has no objection to Act of Nevis *for settling estate of* Thomas Herbert *etc.* *Signed*, Richd. West. *Endorsed*, Reed. 3rd, Read 9th July, 1723. $\frac{1}{2}$ p. [C.O. 152, 14. ff. 213, 214v.]

July 3. **629.** Mr. West to the Council of Trade and Plantations. Report upon Act of Virginia *for amending Act concerning servants and slaves etc.* Objections to that part which relates to convicts transported from Great Britain *etc.* The restrictions imposed, requiring masters of vessels to give bond not to suffer any convict to go on shore till he be bona fide sold, and also for the good behaviour of such convicts for two months after they shall be disposed of, amount to a prohibition of any convicts being imported *etc.* If this example should be followed by other Colonies, the execution of the Acts of Parliament concerning transportation will be rendred wholly impracticable, *etc.* cf. 26th June. *Signed*, Richd. West. *Endorsed*, Reed. 3rd, Read 5th July, 1723. 2 closely written pp. [C.O. 5, 1319. No. 24.]

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July 4. **630.** Mr. Popple to Mr. Carkesse. My Lords Commissioners
Whitehall. return thanks for the extract of Col. Rhett's letter *etc.* (v. 15th
Nov.) and when the said Act of Carolina shall come to their
Lordships' hands they will have a proper regard to his observa-
tions. [C.O. 5, 400. p. 166.]

July 4. **631.** *Same* to Josiah Willard, Secretary of the Massachusetts
Whitehall. Bay. *Acknowledges* letters *etc.* of Nov. 16, 1722, and one without
date. *Concludes*: That part which relates to Mr. Addington's
being supplied with paper from this Office *etc.* must certainly
be a mistake, for I can find no traces of any allowance of that
kind ever made from hence. [C.O. 5, 915. p. 363.]

July 4. **632.** *Same* to Lt. Governor Gledhill. My Lords Comrs.
Whitehall. for Trade and Plantations having received complaints from
several merchants here of the hardships they lye under in their
fishing trade to Newfoundland by your having engaged therein
contrary to the duty of your office, I am to remind you of Col.
Philips's 35th Instruction, whereby all the Officers and soldiers
of H.M. garrison at Placentia and all other persons whatsoever
belonging thereto are strictly enjoined not to concern them-
selves in the Fishery there upon any pretence whatsoever on
pain of H.M. highest displeasure and their Ldsps. hope you will
take care that they do not receive any more complaints against
you upon this subject in which case they will be obliged to lay
the same before H.M. [C.O. 195, 7. p. 96.]

July 4. **633.** *Same* to Mr. Attorney General. Again presses for
Whitehall. reply to 14th June, 1722. [C.O. 5, 996. pp. 123, 124.]

July 4. **634.** Lt. Governor Hope to the Council of Trade and Plan-
Bermuda. tations. *Encloses* duplicates of 27th April, and accounts *etc.*
Continues:—By which it appears, that there are 25 barrels of
powder more than the last account transmitted takes notice
of, which it seems had been lent to merchants, as appears by
their receipts, but were overlooked by the Storekeeper; the
men are responsible, and I wish the $62\frac{3}{4}$ barrels now in the stores
had been disposed of after the same manner; for the greatest
part of it is useless. How far this account may appear satis-
factory to your Lordsps. I shall not presume to judge, but it is
all the discovery I have been able to make and the persons
concern'd have sworn to it. There are still 181 barrels that
there is no manner of account of, but it's probable they were
expended before the commencement of this account, tho' there
are no records, nor is there any body here can tell whither any
accots. thereof has ever been transmitted home *etc.* After
having kept the four pyrates mention'd 20th March in prison
about two months and having made publications in the Churches
for evidences to appear against them before such a day, other-

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wise they shou'd be sett at liberty; and no person having anything to say against them, they were (with the advice of the Council) accordingly discharg'd. Two of them went from hence in a sloop bound for New England, but the other two happening to continue here, were known by three sailors belonging to a ship (that had been plunder'd by them, about ten or twelve months ago) who put in here in distress *etc.*; Upon their information, they were seiz'd, and a Court of Admiralty call'd to sitt on the 21st Feb., where they were tryed, found guilty, and condemn'd to be executed on the 28th, which was accordingly done: a copy of the proceedings of the Court is sent by this occasion to the High Court of Admiralty. *Signed*, John Hope. *Endorsed*, Reed. 1st Jan., Read 2nd April, 1724. $2\frac{1}{4}$ pp. *Enclosed*,

634. i. Account of powder received and expended at Bermuda, 1707-1723. *Sworn to*, by George Tucker, Storekeeper. *Endorsed*, Reed. 1st Jan., 1723 $\frac{3}{4}$. 17 pp. [C.O. 37, 11. ff. 22-23v., 25v.-33v., 35v.; and (abstract with notes for reply) 37, 24. p. 16.]

July 4. **635.** Lt. Governor Hope to Lord Carteret. Repeats part
Bermuda. of preceding covering letter and recommends enclosed petition. *Signed*, John Hope. *Endorsed*, Rd. Dec. 15th N.S. at Benthaim. $1\frac{2}{3}$ pp. *Enclosed*,

635. i. Petition of Mary Lewis of Pembroke Tribe to the King. Jan. 28, 1723. Her first husband, William Joell, was killed in an engagement against the King's enemies; her second, John Lewis, was executed for a capital offence. *Prays that* Lewis' two negroes, which have been forfeited, may be granted to her in view of her indigent circumstances *etc.* *Signed*, Mary Lewis. $\frac{3}{4}$ p. [C.O. 37, 26. Nos. 28, 28. i.]

July 5. **636.** Council of Trade and Plantations to Lt. Governor
Whitehall. Wentworth. *Acknowledge* letter of 18th March. *Conclude*: We desire you will send us according to your promise a particular of anything that may have happen'd in New Hampshire since Col. Shute left his Government. [C.O. 5, 915. p. 364.]

July 5. **637.** *Same* to the Lords Justices in Council. Upon Mr.
Whitehall. West's report, 3rd July, recommend repeal of Act of Virginia, for amending the Act concerning servants and slaves and for the better Government of convicts imported and for the further preventing the clandestine transportation of persons out of this Colony. [C.O. 5, 1365. p. 252.]

July 5. **638.** Lt. Governor Drysdale to [?Lord Carteret]. *Encloses*
Wmsburgh. following, and refers for his observations thereupon to his letter to the Council of Trade, understanding that it has not been usual

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to give those in his Ldspps. high station the trouble of remarks on such papers *etc.* *Continues* :—Tho' the inhabitants of this Colony suffer great inconveniences thro' the low price of the comodity that is their cheife support, yet I have the pleasure to assure your Ldspp. that there is a universall sign of contentment on the change made in the Government here, and that my administration meets with the approbation of all ranks of people *etc.* *Begs* for his Lordship's countenance and protection *etc.* *Signed*, Hugh Drysdale. *Endorsed*, Rd. Sept. 23rd N.S. *Holograph*. $2\frac{1}{2}$ pp. *Enclosed*,

638. i. Minutes of Council of Virginia, 12th Dec., 1722–20th June, 1723. $32\frac{1}{4}$ large pp.

638. ii. Journal of House of Burgesses of Virginia, 9th May–20th June, 1723. $45\frac{1}{4}$ large pp.

638. iii. Journal of Council and Assembly of Virginia, 9th May–20th June, 1723. $41\frac{1}{2}$ large pp. [C.O. 5, 1343. Nos. 1, 1. i–iii.]

July 8. **639.** Mr. Gordon to the Council of Trade and Plantations. Asks to be heard against Aet of Jamaica *for encouraging the speedy resettling of Pero Plantation*, of which he has heard “by a late Jamaica print” (v. 11th July). “My wife owns one moiety of that plantation, the other moiety is own'd by Collo. Peers and Mrs. Whitehead all of this Island of Barbadoes, and we have brought our bill in Chancery against Mr. King and the Lady Cotton heiress of Sir T. Lynch, who detains our sd. plantation from us, and we are not only willing but suing for leave to redeem” *etc.* *Signed*, W. Gordon. *Endorsed*, Reed. 18th Sept., Read 27th Nov., 1723. $2\frac{3}{4}$ pp. [C.O. 137, 14. ff. 250–251v.]

July 9. **640.** Council of Trade and Plantations to the Lords Justices
Whitehall. in Council. Submit Aet of Barbados, 1723, *for supporting the honour and dignity of the Government* for confirmation. [C.O. 29, 14. p. 375.]

July 9. **641.** Council of Trade and Plantations to Governor Burnet.
Whitehall. We have received your letters *etc.* of 25th May, 17 June, 21 Novr., and 8 and 12 Dec. 1722, and one without date. According to your desire, Abra. v. Horn and Wm. Provoost have been appointed Councillors *etc.* We thank you for having enquired into Lady Bellomont's claim *etc.* We are extreemly pleased with the success of your meeting with the 5 Indian Nations at Albany and we congratulate you upon having been so useful to the neighbouring Provinces upon that occasion. It is certain that nothing can make the British intrest in America more formidable to their neighbours than a perfect union among themselves, and we hope that the Govrs. of all H.M. Plantations abroad will upon all occasions endeavour to convince, as well

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the Indians as their European neighbours, that they have but one King to obey and one common intrest to pursue. We are sorry the obstinacy of some of the Palatines has given you so much trouble ; but it is matter of satisfaction to us, that your endeavors for settling of them are likely at last to take effect. The several Acts passed in New York and in the Jerseys wch. you have transmitted to us lye now before Mr. West *etc.* In your letters to us relating to the Governmt. of the Jerseys you give us an account of an attempt to destroy the Secretary's right, wch. was prevented by you, wherein we approve of your conduct, it being agreeable to your Instructions on all just and reasonable occasions to grant your countenance and protection to persons holding their employments by Patent from the Crown. H.M. has been pleased to approve James Smith and James Alexander for the Council of the Jerseys *etc.* *Set out*, N.Y. Col. Docs. V. 697. [C.O. 5, 1124. pp. 318-321 ; and (rough draft) 5, 1079. No. 133.]

July 10.
Whitehall.

642. Mr. Popple to Mr. West. Encloses Acts of New York and New Jersey. " You will find that some are already expired, notwithstanding which their Lordships desire your opinion upon them, that they may be the better enabled to judge for the future of Acts of the like nature " *etc.* [C.O. 5, 1124. pp. 321-325.]

July 10.
Whitehall.

643. Council of Trade and Plantations to the Lords Justices. *Recommend repeal of Act of Montserrat, 1722, for granting certain duties upon the imposts of dry goods and liquors and for the payment of £500 annually to Governor Hart etc.*, " as we find that the British trade and shipping will be affected by the duties thereby laid upon European goods ; and that there is no clause therein, pursuant to H.M. Instructions to Colo. Hart, to prevent it's taking effect, till H.M. pleasure should have been declar'd thereupon " *etc.* [C.O. 153, 14. pp. 119, 120.]

July 10.
Whitehall.

644. Mr. Popple to Mr. West. Encloses for his opinion in point of law Acts passed in New York and New Jersey 1719-1722 *etc.* [C.O. 5, 996. pp. 124-127.]

July 10.
London.

645. Mr. Yonge to Mr. Popple. *Encloses Acts and Journals of Council and Assembly of South Carolina, 6th Nov., 1722-23rd Feb., 1723, and accounts of indictments in March and October Sessions. Signed, Fra. Yonge. Endorsed, Reed., Read 10th July, 1723. 1 p.* [C.O. 5, 358. ff. 348, 349v.]

July 11.

646. Mr. West to the Council of Trade and Plantations. *Report upon Act of Jamaica for the speedy settling of Pero plantation etc.* This Act (*argued*) is for the benefit of all parties *etc.* *Signed, Richd. West. Endorsed, Reed. 12th July, Read 27th Nov., 1723. 3¼ closely written pp. Enclosed,*

1723.

646. i. Weekly Jamaica Courant, No. cccxlix, containing notice to claimants to Pero Plantation *etc.* or other estate of Sir Thomas Lyneh *etc.* Printed. 4 pp. [C.O. 137, 14. ff. 245-248v., 249v.]

July 16.

Whitehall.

647. Mr. Delafaye to Governor the Duke of Portland. *Encloses following. Continues:* The Lords Justices, *approving* of what is proposed [*therein, direct*] that you take care in all tryalls of pirates to have the laws in being strictly and punctually complied with in all particulars, and especially in causing the Register of such Courts as shall be appointed for that purpose from time to time as opportunity offers to transmit authentick Minutes of the whole proceedings, with the copies of all articles and judgements given in any such cases in any Court whereof he shall be Register, unto the High Court of Admiralty here. *Signed, Ch. Delafaye. Annexed,*

647. i. Mr. Burehett to the Secretaries to the Rt. Hon. Mr. Secry. Walpole. Admiralty Office, 11th July, 1723. *Quotes from Act of 11th and 12th William III, for the more effectual suppression of piracy.* The Lords Commissioners of the Admiralty desire that Governors abroad may be instructed to conform themselves therewith, and particularly that they cause to be transmitted from time to time authentick copies of proceedings *etc.*, *ut supra*, "to the Judge of the High Court of Admiralty here, that so the said Judge may be satisfied therefrom, how they comply with the standing laws of the Realm in such cases." *Signed, J. Burchett.*

Mem. The like letter and enclosure were sent to Governors Worseley, Shute, Burnet, Philips, Hart, Hope, Fenny, Nicholson, Drysdale. [C.O. 324, 35. pp. 14-17.]

July 16.

Barbados.

648. Governor Worsley to the Council of Trade and Plantations. My time has lately been so much taken up, in hearing the complaints against Mr. Cox, that I was unwilling to trouble your Lordships with a letter, though several ships have gon from hence, till I could have the honour of adviseing your Lordships what I had determined upon it. Upon receiving a petition from Mr. Cox, the 24th of May last, to appoint a short day for the hearing the complaints against him, I appointed the 7th past, and I allowed him, as well as the complainants, as they both desired, to be heard by Council: The tryal lasted till the 8th of July, when, for the reasons your Lordships will se in the paper inclosed (*No. iii*) I not only removed Mr. Cox from being a Member of the Council, but declared him incapable of ever being one, and that 'twas my opinion he ought to be prosecuted as the nature of his crimes required. The com-

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plainants offered to exhibit several other articles against Mr. Cox, but as his Council objected that he was obliged to answer only to those complaints refer'd to me, and as the new articles of complaint were for several matters since the 8th Nov., 1721, the date of the last paper refer'd to me, I did not hear them, however I am told they designe to make a particular complaint to me, and of my proceedings therein, I shall have the honour to advise your Lordships. The depositions of the evidences on both sides are so voluminous, that I have not time to get fair transcripts of them, to send your Lordships, by this opportunity. The reason of my declaring Mr. Cox incapable of ever being a Counsellor again, was to quiet the minds of the people, who dreaded his being restored, as his friends gave out he would be, for the Justices of the Peace he had put in, many of whom were really incapable of that trust, had so domineered and vexed the poor Frecholders, that they were under the greatest apprehensions of his governing again, as he would be qualified to do was he restored, upon the death, or absence of a Governour. I can assure your Lordships, that when I was lately dangerously ill, several Gentlemen of great probity, and of the best fortune in this Island, were so apprehensive of this, that, had I not recovered, they would have sold their estates, and have left the Island. As several complaints had been made to me, in regard to the arbitrary proceedings of some Justices of the Peace, I thought fit to issue out a new Commission, and deputed four Members of the Council here, each to nominate, for every parish two Gentlemen well qualified, as well on account of their fortunes as their probity, besides others, that have been thought intitled to it by their posts, and places : By which method I proposed that Justice should be equally distributed, and hetherto I find the country is pleased with it. I had no sooner ended the hearing the complaints against Mr. Cox and Mr. Cox's Council's arguments in his justification, but that he exhibited ten articles against the six Counsellors he had turned out, and other Gentlemen of the Island, in order to put a stop to my determining his case, but as I found most of them had been heard and determined before in England, (*v. Encl. No. II.*), and did no manner of ways regard his justification, I proceeded to give judgement upon him : And, as it is now the time of election for a new Assembly, I appointed the 5th of August to hear the said articles of complaint, and the 12th of the same month, Barnard Cook's against several Counsellors, as well as other Gentlemen of this Island ; this last person desired me in Council to let him be heard *formâ pauperis*, for tho' he then told me, that H.M. had granted him a pension of £400 pr. annum the 9th of Feb. last, but should not be intitled to it till the 9th Feb. next, and swore he was not at present worth £5, besides his wearing apparel, I granted the prayer of his petition. As in my Instructions I find William Dottin Esqr. nominated as one

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of the Counsellors, it appears upon my inquiry here, that William Dottin has been dead these four or five years, and James Dottin having represented to me, that he was recommended, and advised from England, that he was appointed, his freinds there, haveing obtained that gracious favour from H.M., I have admitted him to the board, but in room of Mr. Cox I have not yet determined upon another to put in, so far am I from being able as yet to nominate 12 persons to supply the vacancies that shall happen in the Council *etc.* My Lords, I have endeavoured ever since my arrival here, to prevent any illegal trade, that is carried on betwixt this place and Martinique, but I find it almost impossible to be compassed, whilst sloops have the liberty to clear from this place to Tobago, under the pretence of tortoisng ; for St. Lucia, and other un-inhabited Islands for wood ; and for Eustace, St. Thomas and several other neutral ports, from whence they bring back no clearance, and what these sloops import publickly, I always observe is nothing but cacao, which is not prohibited to be imported, and indeed is very necessary in that inhabitants of this Island can't live without chocolate ; tho' at the same time they introduced French commoditys by laying off at sea in the day time, and running them on shoar in the night. Since my last, Capt. Killegrew, who commanded H.M.S. the *Lynn*, died, as well as his first Lieutenant, so that Captain Elford's third Lieutenant, Mr. Barnard, commands the ship at present : There reigned so violent a sickness on board that they lost upwards of fourscore men, and have had 120 on shoar sick ; and indeed, the whole Island has lately labour'd under the same distemper, as it dos at present. The said ship is now gone to the Northward to refresh the ship's company. P.S. I am informed that ships go directly from Ireland, with provisions, to Martinique, which in time must be the ruin of H.M. Plantations. *Signed*, Henry Worsley. *Endorsed*, Recd. 11th Sept., Read 23rd Oct. 1723. 9 pp. *Enclosed*,

648. i. Petition of Samuel Cox to Governor Worsley (24th May, 1723). *Prays* H.E. to suspend judgment upon complaints against petitioner until enclosed articles of complaint are first answered and heard, the same being referred to H.E. (v. 13th Aug., 1722), and interwoven in their nature *etc.* *Signed*, J. Blenman, William Walker, T. Baxter. 3½ pp.

648. ii. 10 Articles of complaint exhibited against Thomas Maxwell, Thomas Maycock, John Lucie Blackman and William Carter, Members of Council, Edmund Sutton, John Waterman, and James Dottin Esqrs., John Lenoir, late Depty. Secretary, Richard Carter, Attorney General, Henry Lascelles, Collector, and Robert Gibbes, Water-waiter, *etc.* v. covering letter *supra.* *Endorsed*, Recd. 11th Sept., 1723. 6½ pp.

1723.

648. iii. Speech of Governor Worsley to Samuel Cox, suspending him from the Council for ever *etc.* v. covering letter *supra*. Upon the evidence (v. 24th Sept. 1723), Cox is found guilty of arbitrary corrupt and illegal conduct, in suspending six Members of Council and removing all officers, civil and military, contrary to H.M. Instructions, and in breach of a law of 1720, *for the better preserving the peace and tranquility of the Island*; in interpolating Minutes of Council, hindering the taking of full Minutes, and Members of Council from approving and amending them, of ordering matters to be entered in the Council Books, when there was not a Quorum; in admitting numbers of all sorts of people to be present whilst he was sitting in Council; denying Members of Council liberty of debate; in ordering Mr. Cooke, Deputy Provost Marshal, when a new Assembly was called in 1721, to stifle the writts for two parishes, till it was too late to have them published the same Sunday the rest were, as the Law directs, from whence arose all the confusions among the Assemblymen and the jealousies and discontents of the people ever since; in again displacing the officers, civil and military, after he had restored them according to H.M. order; in displacing Mr. Sutton without the consent of the Council, and misleading the Council of Trade upon that matter (11th Oct., 1721); in compounding the felony of Mr. Young, for embezzling H.M. Stores, by granting him a *noli prosequi* in return for his title to some land in dispute; in delaying the taking probate of will in the case of Major Neal's estate, conniving at young Mr. Neal's wasting the estate and escaping from the Island *etc.* *Endorsed*, Reed. 11th Sept., 1723. *Copy*. 13½ pp. [C.O. 28, 17. ff. 314–318, 319v.–332v., 333v.; and (enclosure iii only) 28, 44. ff. 11–14v.; and (enclosures i, ii only) 28, 39. Nos. 11, 11.i.]

July 17. 649. Order of Committee of Council. The Council of Trade
Whitehall. and Plantations are to enquire into the willingness of Rhode Island and Connecticut to submit to H.M. immediate Government and be annexed to New Hampshire, *etc.* (v. A.P.C. III. No. 4.) *Signed*, Temple Stanyan. *Endorsed*, Reed. 20th, Read 31st July, 1723. 1¾ pp. [C.O. 5, 1266. ff. 129, 129v., 130v.]

July 17. 650. Mr. Popple to Mr. West. Encloses Act of Jamaica
Whitehall. (1721) *to enable certain trustees to sell the estates and interest of Willaim Bowles and Charles his son for the discharge of debts and purchasing lands in the Kingdom of Great Britain to certain uses*, for his opinion in point of law. [C.O. 138, 16. p. 452.]

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July 18. **651.** *Same* to Horatio Walpole. Encloses acts and papers
Whitehall. relating to Revenue of Jamaica, as desired 29th June. [C.O.
138, 16. pp. 452, 453.]

July 18. **652.** Council of Trade and Plantations to Governor Nichol-
Whitehall. son. *Acknowledge* letters of 18th Aug., 16th Oct., and 4th
Dec., "and the papers therein referred to, which we received
from Mr. Yonge, But must desire that for the future, you will
send all publick papers relating to the administration of your
Government, directly to us, and that in your letters relating
thereunto, you will be more full and explicit upon the several
subject-matters contained in such papers than you have hitherto
been, more especially in your observations upon the Acts passed
in your Assembly. We approve very much of your transactions
with the Commissioner sent by the Governor of St. Augustine,
and think you did very well to demand of him ample restitution
of all the vessels taken by the Spaniards from H.M. subjects,
since the cessation of arms. Having received complaints
against your administration, we have ordered copies of them
to be delivered to your Agent, that he may communicate the
same to you, for your answer. The Act *for the good Government
of Charles Town*, being lyable to many objections, we laid ye
same before their Excellencies the Lords Justices, for their
disallowance, and they have repealed the same. There are
likewise so many complaints and such objections against your
Act *for enlarging the paper credit*, as will probably occasion a
repeal thereof; and we cannot help, upon this occasion, desiring
you to be more punctuall in observing H.M. Instructions
whereby you are especially directed, not to pass any Act of an
extraordinary nature, without there be a clause inserted therein
suspending and deferring the execution thereof till H.M. pleasure
shall be known concerning the same." [C.O. 5, 400. pp.
170-172.]

July 18. **653.** Council of Trade and Plantations to the Lords Justices
Whitehall. in Council. Upon Mr. West's report, 11th July, recommend
repeal of Act of Virginia *for the better discovery and securing of
H.M. quit rents*. [C.O. 5, 1365. pp. 253, 254.]

July 19. **654.** Council of Trade and Plantations to Lt. Governor
Whitehall. Sir W. Keith. *Return thanks* for letter of 18th Dec. *Continue* :
We hope you will continue to give us constant information of
any thing that may happen in your Government either in
relation to the trade thereof, or to H.M. service. We are very
sorry to find the streights you are like to be put to in creating
paper-money, which we are afraid will have the same effect
with you as it has already had in ye other Colonies whose trade
and credit have been almost utterly destroyed by it. [C.O.
5, 1293. p. 336.]

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July 19. **655.** Anthony Sanderson to Mr. Delafaye. Asks for copy of Governor Shute's Memorial complaining of the Assembly, they having empowered him to act for them and sent him several papers in their defence *etc.* *Signed*, Antho. Sanderson. 1 p. [C.O. 5, 752. No. 21.]

July 23.
Whitehall.

656. Additional Instructions to Governors Burnet, Shute, Nicholson, and Sir Wm. Keith, by the Lords Justices. We do hereby in H.M. name direct and require, that you do not give your assent to any private Act until proof be made before you in Council, and entered in the Council books, that publick notification was made of the party's intention to apply for such Act in the several parish Churches, where the premises in question lye, for three Sundays at least successively before any such Act shall be brought into the Assembly. And further you are to take care, that for the future you do not pass any private Acts without a clause inserted therein suspending the execution of such Act, until H.M. Royal approbation shall be had thereof. [C.O. 324, 35. pp. 12, 13.]

[July 23.]

657. Petition of John Conrad Weiser to the Lords Justices. On behalf of the 4000 Palatines in New York, prays that Instructions may be given to the Governor for their settlement on some tract of land remaining in the disposal of the Crown *etc.* 1 p. *Overleaf*,

657. i. The Lords Justices refer *preceding* petition to the Council of Trade and Plantations for their report. Whitehall, July 23, 1723. *Endorsed*, Reed. 25th, Read 31st July, 1723. 1¼ pp. [C.O. 5, 1053. ff. 133, 133v. 134v.]

July 25.
Whitehall.

658. Council of Trade and Plantations to the Lords Justices. Recommend for confirmation Act of Nevis *for settling the estate of Thos. Herbert etc.* [C.O. 153, 14. pp. 120, 121.]

July 25.
Jamaica,
Spanish
Town.

659. Governor the Duke of Portland to the Council of Trade and Plantations. I can not be silent when any thing offers that may in the least be worth yr. Lordps. attention *etc.* *Refers to enclosures.* *Continues* :—The affair of the pirate call'd the *Cassandra*, will (if thoroughly examin'd into, and if my informations be true) be found not quite so clear and right as itt should be; and if you offer to meddle with sea affairs when you speake to any of the Captns. of the men of war, you expose yourself to insults, they carrying every thing in such a manner and with such airs as are not to be express'd. Yt. will sufficiently appear by the inclos'd papers, and I avoid saying any thing of my own, being desirous matter of fact should speake, which I hope will justifie my proceedings, and

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induce yr. Lordsp. to use yr. interest and best endeavours, that those who have the honour to represent H.M. in some degree, and who have nothing att heart but his service, and the good of the publick, may not be liable in the execution of their office, to be affronted and insulted ; and in such a manner as I beleve yr. Lordsp. will think, was such a behaviour and proceeding as was unfitt for me to bare even out of any station ; the Speaker of the Assembly Mr. Mudd, who I recommended to yr. Lordsp. favour, to be one of H.M. Councill is dead suddenly of an apoplectick fitt, I realy am sorrly for itt, he being a person well qualified and of the best principles in this Island ; I must say that they are very scarce here, and am realy as yett att a loss, who to recomed, give me leave to assure yr. Lordsp. that those who were mention'd in England before I came away are nott att all proper for itt ; there is but to many such, allready in H.M. service. I will as soon as I can be satisfied of peoples character by theire behaviour, send yr. Lordsp. an account of them ; in the mean time I desire to assure yr. Lordsp. yt I shall use my best endeavours to entitle me to yr. favour *etc.* Signed, Portland. Endorsed, Reed. 28th, Sept. Read 1st Oct., 1723. *Holograph. 2 pp. Enclosed,*

659. i. Deposition of John Feilding. 20th July instant, deponent dined with the Duke in company with Capt. Joseph Laws, Commander of the *Mermaid* man of war. After dinner the latter asked the favour of a coach from his Grace, which my Lord Duke said should be at his service, and that he would send one of his own gentlemen to attend him *etc.* On learning that it was his Grace's Gentleman of the Horse that his Grace designed to go with him, "What," said Capt. Laws, "do's the Duke think I will sit by any one in his coach, that he do's not permit to sitt down with him at his table" *etc.* His Grace answered that the first man of quality in England would take the complement the greater for another person of quality's sending a servant of that character with his coach to attend him *etc.* This was no satisfaction to Capt. Laws who said his Grace had treated him ill the last time he came to wait upon him, by telling him upon some discourse betwixt 'em in the Church that his Grace should say he would confine the Capts. of men of war to their ships, and now by offering to putt a servant of his in the coach with him *etc.* As to confining Capts. of War he durst not do it, nor had he it in his power *etc.* repeating, you dare not confine me, in a very angry and threatning manner *etc.*, which obliged my Lord Duke to say I'le try that, and sent the officer of his guard Lt. Plowman to make Capt.

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- Laws his prisoner *etc.* Signed, J. Feilding. Endorsed as preceding. $2\frac{1}{4}$ pp.
659. ii. Deposition of Walter Lake, 20th July, 1723. Confirms latter part of preceding. Signed, Walt. Lake. Same endorsement. $\frac{1}{2}$ p.
659. iii. Governor the Duke of Portland to Commodore Harris. Describes above incident and leaves the matter to his determination *etc.* Same endorsement. Copy. $1\frac{1}{2}$ pp.
659. iv. Commodore Harris to Governor the Duke of Portland. Falkland at Port Royal, 21st July, 1723. Desires him to set Capt. Laws at liberty. "If what he says affected your Grace's honour your making him a prisoner affected the honour of his office as Capt. of one of H.M. ships much more," *etc.* Signed, B. Harris. Same endorsement. Copy. $\frac{3}{4}$ p.
659. v. Minutes of Council of Jamaica relating to Capt. Laws. Capt. Laws refused the Duke's offer that he should return to the Commodore with an officer of the guard bearing letter (No. iii), or to make submission, but insisted upon being carried as a prisoner to the guard-house, refusing other lodgings provided for him. H.E. having asked the advice of the Council upon the whole affair, the Attorney General advised that he was guilty of an assault upon H.E. It was ordered that he be taken into custody of the Provost Marshall and prosecuted *etc.* Same endorsement. Copy. $2\frac{1}{4}$ pp.
659. vi. Governor the Duke of Portland to the Earl of Barkeley. 23rd July, 1723. Complains of the behaviour of Commodore Harris and some of his Captains, who affect upon all occasions to be superior to H.M. Council, and the Commodore superior to everybody here, no one excepted *etc.* Your Lordship was pleased to assure me, before I came away, that there would be no reason to apprehend anything that could make me uneasy about the behaviour of the Captains of the men of war. I desire you will judge now, whether my apprehensions were ill grounded *etc.* Same endorsement. Copy. $2\frac{3}{4}$ pp.
659. vii. Governor the Duke of Portland to Lord Carterett, 24th July, 1723. Nothing material has happen'd here since my last, the chief thing is, the Spaniards at Panama and Porto Bello, have recev'd a pirate called ye *Cassandra*, she came from the East Indies commanded by one Taylor, the Governor of Panama as soon as he heard that she was upon their coast sent a free and general pardon to engage them to come in with severall Spaniards to defend her, against the English men of war (who were out after her) *etc.*, tho'

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that protection would hardly have saved them if the King's ships had met her at sea, but by some extraordinary accident of wind or strong currents, they got her safe into port, where one of the men of war saw her but a day or two after she was got in, all her men and effects on shore. As this ship belonged to H.M. subjects, and most of his subjects on board, I think it my duty to write in the most pressing terms to the Governor of Panama to reclaim her, and all the effects she had in her belonging to the English *etc.* *Repeats concluding part of covering letter. Extract. 2 pp.*

659. viii. *Same to Same.* 25th July. *Refers to papers relating to Capt. Laws. Continues:—*It is impossible upon the foot these matters stand that this Island can be protected, the trade of the Island is become the property of the men of war, and none partake with them in it but those they favour, the merchants in general are most of them discouraged, if not undone, the Captains of men of war now they can't trade with their ships, hire sloops, or buy them, then load them with things of their own, put but few hands on board, without being at the charge of victualling them, because they send men and victuals on board when required out of the man of war as soon as they are out of sight of land; and then instead of clearing away the pirates, go from place to place with the sloops that are their own a trading, and when they have done come into harbour again, till they supply themselves with fresh goods *etc.* This is their constant practice, which ruins the traders, they being at a great charge to fit out their sloops, and besides the reward they give (when under the convoy of a man of war) to the Captn., which enables the Captn. to undersell the merchant, who by the great charge he is at, must be ruin'd if he goes on in his trade, and the Captns. of the men of war being accountable to no body here, do whatever they please without the least control, if one offers to say a word one is abused, and they lord it as they please, hardly allowing any body to be their equal, much less their superior. Your Lordsp. will see that, by the inclosed papers *etc.*, it is impossible to bear their haughty airs and insulting ways. I beg your Lordsp. would use your interest to have this rectified if possible, and to prevent one's being insulted at this rate; no body would dispute the command of the ships, they certainly know best what belongs to them, but to have them go where and when they please, to act as they have a mind to,

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is putting the publick to a vast charge only to enrich the Captns. of the men of war, and undoing this Island, which wants and deserves encouragement, some subordination is absolutely necessary and itt is time to put some stop to the arrogance of the Captains, they besides are the occasion of great numbers of people who us'd to gett their livelyhood by going to sea in tradeing vessels, to starve and by their desperate condition leave the Island, and great numbers of them joyn the pirates, which if not prevented must be the totall undoing of this Colony *etc.* *Same endorsement.* *Copy.* 2½ pp. [C.O. 137, 14. ff. 206-207, 208v.-211, 212v.-213v., 214v., 215, 216v.-221v., 222-224v; and (copies of Nos. i-v, viii) 137, 52. ff. 13-16, 17, 19, 19v., 21, 23-24.]

July 25. **660.** Mr. Popple to Lt. Governor Hope. In accordance with
Whitehall. his request through Mr. Noden, transmits 20 printed copies of the Laws of Bermuda, 1690-1714, to be distributed and kept in the several offices and Courts *etc.* [C.O. 38, 8. pp. 1, 2.]

[July 25] **661.** (a) Petition of Merchants residing in and trading to South Carolina to the Governor, Council and Assembly, against the bill now under consideration in the Assembly for making and stamping £120,000 paper currency. [?Dec., 1722.] 28 signatures. Endorsed, Recd. (from Mr. Shelton), Read 25th July, 1723. *Copy.* 1 p.

(b) Memorial presented with preceding. cf. May 22 and 31st. *Copy.* 5½ pp.

(c) Further reasons in support of preceding. 1½ pp.

(d) Proceedings of Assembly, 6th-8th Dec., 1722. The subscribers of (a) were ordered to be taken into custody for exhibiting a false and scandalous memorial, destructive to the true interest of the Province, a base reflection on preceding Parliamentary proceedings and a high indignity to the present General Assembly *etc.* *Copy.* 4 pp.

(e) Petition of merchants residing in S. Carolina to the Governor and Council, now in custody (d). Pray to be heard on the subject matter of their Memorial and to be allowed a copy of the Bill and liberty to offer further reasons against it, the right of petitioning appertaining to all H.M. subjects. 24 signatures. 1 p.

(f) Order of Council of S. Carolina, 12th Dec., 1722, that petitioners (e) be heard to-morrow and that the Assembly be acquainted that though they be admitted to be heard upon the subject matter of the bill according to the privileges of English subjects, (Memorandum, 13th Dec.) yet they will hereafter be returned to custody, and the privileges of the Commons House preserved. This order was presented to John Browne, Messenger of the Lower House, but he refused to receive or obey it. *Copy.* 2½ pp.

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(g) Journal of Assembly, 14th Dec., 1722. Second Petition of 18 signatories to above Memorial (a) (b), *stating* that they did not thereby intend any reflection upon the present or past General Assembly, and praying to be discharged from custody, was dismissed, since they had not therein acknowledged their fault. *Copy. 1 p.*

(h) First Petition of 18 of the signatories of Memorial (b) to the Assembly. Pray to be discharged. They did not mean to offer any affront or indignity to past or present proceedings of the General Assembly. *Copy. 1 p.*

(i) Journal of Assembly. No date. Above petition dismissed. *Copy. ½ p.*

(j) Journal of Assembly, 13th Dec., 1722. Upon reading letter (e) resolved that the following extract be sent with the reply, that when this Board is ready to hear them, they shall have notice. Extract of a message from the House of Assembly to the Governor and Council, 13th Dec., 1722 :—Every petition against bills under consideration of the Assembly, especially such as concern money or supplies, ought to be first preferred to and considered by this House, where every inhabitant hath his Representative, and in case the bill is past with us that then petitioners may be heard before H.E. and Council. *Copy. 1 p.*

(k) Signatories of Memorial to the Governor and Council. We were ready to attend, but the Messenger of the Assembly refused to take any notice of your Order (f), and is directed (as he says by fresh orders) not to take any notice of this your Order *etc.* 20 signatures. *Copy. 1 p.*

(l) Third petition of 18 signatories to the House of Assembly upon which they were discharged. What was contained false and scandalous in their Memorial (b), was inadvertantly done *etc.* *Copy. 1 p.*

(m) Order of Assembly, 14th Dec., 1722, for the discharge of Benjamin Godin (one of above Memorialists), he first paying the Clerk's and Messenger's fees. Signed, Ja. Moore, Speaker. *Copy. 1 p.*

(n) Order of Assembly, 14th Dec., 1722. The Clerk's fees for a commitment and discharge to be raised from 20s. to 40s., as the Messenger's fees was raised from 1£ to 4£. The Clerk to take from every person petitioning jointly the same fees as if each had singly petitioned *etc.*

Nos. d to n, endorsed, Recd., from Mr. Shelton, 25th July, 1723. *Copy. ¾ p.* [C.O. 5, 358. ff. 350–354, 355v.–360, 361v.–369v.]

[July 25] **662.** Proceedings at a Conference of both houses of Assembly of South Carolina, on the Paper Currency, held at the house of Col. Alexander Parris, Charles City, 14th Dec., 1722. 15 pp. Endorsed, Recd. (from Mr. Yonge), Read 25th July, 1723. *Copy. 15 pp.* [C.O. 5, 358. ff. 370–377v.]

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 July 26. **663.** Council of Trade and Plantations to the Lords
 Whitehall. Justices. *Propose* repeal of Acts of S. Carolina (i) *for raising*
£17,248 on lands and slaves and (ii) *for reprinting the present*
current paper bills of credit and printing £40,000 in bills of credit
etc., and that the Governor, who has acted in direct opposition
 to H.M. Instructions herein, “be enjoined not to give his
 consent on any pretence whatsoever, to any Act for encreasing
 the currency of paper credit, or for altering or diverting the
 funds established by former bills of credit or rice-bills issued
 before H.M. was pleased to re-assume the Governmt. of the
 said Province into his own hands” *etc.* *Set out*, A.P.C. III
 No. 48 *q.v.* [C.O. 5, 400. *pp.* 175–178.]
- July 26. **664.** Report of the Committee of Council to the Lords
 Whitehall. Justices upon 3 Acts of Jamaica relating to the Revenue and
 Governor’s salary *etc.* *v.* 20th June. *Set out*, A.P.C. III. *pp.*
 46–52. *Signed*, Jas. Vernon. *Endorsed*, Recd. 20th Aug.,
 Read 2nd Oct., 1723. 17 $\frac{3}{4}$ *pp.* [C.O. 137, 14. *ff.* 233–241*v.*,
 242*v.*]
- July 26. **665.** Case of Lt. Governor Hope, with Mr. Strahan’s opinion
 Drs. that Mr. Dinwhiddie’s commission is an encroachment upon the
 Commons. Governor’s, as Vice-Admiral, and ought to be revoked. (*v.*
 C.S.P. 9th Sept., 1722.) *Signed*, Wm. Strahan. *Endorsed*,
 Recd. (from Mr. Drummond), Read 13 Nov., 1723. 2 $\frac{1}{2}$ *pp.*
 [C.O. 37, 10. No. 47.]
- July 26. **666.** Order of Committee of Council. Referring following
 Whitehall. to the Council of Trade and Plantations, who are to report what
 powers are reserved to the Crown in the Charter of Rhode
 Island, and how far the Governors have acted agreeable thereto
etc. *v.* A.P.C. III. No. 44. *Signed*, Temple Stanyan. *En-*
dorsed, Recd. 20th. Aug., Read 1st Oct., 1723. 2 *pp.* *Enclosed*,
 666. i. Petition of Richard Partridge of London, Agent for
 Rhode Island and Providence Plantations to the King.
Prays to be heard against H.M. Order requiring the
 Governor of Massachusetts Bay to demand of the
 Governor a bond for the observance of the Acts of
 Trade and Navigation and to make oath that he will
 inform himself of the said Acts *etc.* Petitioner alleges
 these directions to be inconsistent with the Charter of
 the Colony *etc.* *v.* A.P.C. III. No. 44. 4 *pp.* [C.O.
 5, 1266. *ff.* 131–133*v.*, 134*v.*]
- July 28. **667.** List of ships and account of Fishery at Canso for
 1723. *Totals*: vessels 83; tonnage 3203; men belonging to
 do., 534 *etc.* Quintals of fish sent to market last year, 33,000;
 killed this year, about 18,000 which were on the flakes, 28th

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July, 1723. *Endorsed*, Reed. (*from* Commander Cayley) 22nd Sept., 1724, Read 11th Feb., 172 $\frac{3}{4}$. 6 $\frac{1}{2}$ pp. [C.O. 217, 4. ff. 298v.-301v.]

July 30. **668.** Lt. Governor Hope to the Council of Trade and Plantations. *Encloses* duplicate of 4th July. *Reports* death of Capt. William Tucker, *and recommends* Capt. Samuel Rayner to succeed him in the Council. "He is not in the list sent 25th Nov. 1722, but is a very proper person" *etc.* *Signed*, John Hope. *Endorsed*, Reed. 1st, Read 21st Jan., 172 $\frac{3}{4}$. 1 p. [C.O. 37, 11. ff. 1, 2v.; *and* (abstract) 37, 24. p. 16.]

July 30. **669.** *Same* to Lord Carteret. *As preceding.* *Signed*, John Hope. *Endorsed*, Rd. Dec. 15. n.s. at Bentheim. 1 p. [C.O. 37, 26. No. 29.]

July 31. **670.** Council of Trade and Plantations to Robert Walpole. Whitehall. Recommend appointment of William Fairfax as Secretary of the Bahama Islands. v. 31st March, 1723. [C.O. 24, 1. pp. 74, 75.]

July 31. **671.** *Same* to the Lords Justices. Recommend for confirmation three Acts of Bermuda (v. 27th Aug. 1723). [C.O. 38, 8. pp. 3, 4.]

Aug. 1. **672.** George Bampfild to [?Mr. Popple]. Presses for Chancery Lane. report on Act of New York mentioned 7th Feb. "Since which I have received by every shipp that came from thence pressing letters to solicit its confirmation," *etc.* *Refers* to Governor Burnet's recommendation of Mr. Ayres for the Council of New Jersey, "The Governor in his last letter again pressing me to procure the said warrt." *etc.* *Signed*, Geo. Bamfeild. *Endorsed*, Reed. Read 6th Aug. 1723. 1 p. [C.O. 5, 1053. ff. 135, 135v.]

Aug. 6. **673.** Council of Trade and Plantations to the Lords Justices. Whitehall. *In reply to July 23rd represent that*, some of the Palatines in the Province of New York are of a very turbulent and untractable temper, from whence it has happen'd, that the best endeavours used by H.M. Governors to content them have frequently proved ineffectual, and the said Palatines' Agents in Great Britain, have often apply'd to the Crown, as the petitioner has now done. But by the last letter we received from Mr. Burnet, we have reason to apprehend, that the said Palatines either are, or shortly will be settled to their satisfaction *etc.* *Enclose* extract of letter, 21st Nov., 1722. [C.O. 5, 1124. pp. 326, 327; *and* (rough draft) 5, 1079. No. 134.]

Aug. 6. **674.** Order of Lords Justices in Council. Ordering, upon Whitehall. reports of Committee of Council and Lords Commissioners of

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the Treasury, remission of quit rents and purchase of rights for 7 years for the two new counties of Virginia, under restrictions. *Set out*, A.P.C. III. p. 23. *Signed*, Jas. Vernon. *Endorsed*, Recd. 17th, Read 18th Dec., 1723. 3 $\frac{3}{4}$ pp. [C.O. 5, 1319. No. 32.]

Aug. 6. **675.** Order of Lords Justices in Council. Ordering the Whitehall. Council of Trade and Plantations to consider what laws now in force in Jamaica, will expire 1st Oct. 1724, and what laws will remain in force after that time; and upon what foot the Government of that Island will *then* stand, and under what circumstances the inhabitants thereof will remain, in relation to their dependance upon the authority of the Crown *etc.* The said Lords Commrs. are to take the opinion of H.M. Attorney and Solicitor Generall thereupon, and report a full state thereof to their Excellencys. *Signed*, Ja. Vernon. *Endorsed*, Recd. 20th Aug., Read 1st Oct. 1723. 1 p. [C.O. 137, 14. ff. 204, 205v.]

Aug. 6. **676.** Order of Lords Justices in Council. Repealing Acts of Whitehall. Jamaica. (i) *for making H.M. Revenue perpetual*, (ii) *for preventing frauds in collecting H.M. Revenue*, (iii) *for augmenting the Duke of Portland's salary*, and directing that a letter to Governor the Duke of Portland be transmitted to H.M., and sent to the Duke under H.M. sign manual *etc.* v. A.P.C. III. No. 45. *Signed*, Jas. Vernon. *Endorsed*, Recd. 20th Aug., Read 2nd Oct., 1723. 3 pp. [C.O. 137, 14. ff. 225-226v.; and 243, 243v.-244v.; and 137, 46. No. 40.]

Aug. 10. **677.** Governor Phenney to the Council of Trade and Plan-
New tations. I presume ere this my letters and papers by the
Providence. *Hanover* are safe arrived, as also the duplicates which I sent by the sloop *Endeavour*, having had the misfortune to have some former papers miscarry, which gave me a great deal of uneasiness, lest your Lordships should impute anything to my neglect. I have finisht the King's bastion in about five months. I begun the Lord Carteret bastion about six weeks ago which already even above my expectation is more than half done and I hope will be compleated in less time considerably than the other, great part of the foundation of which I was oblig'd to lay in the sea. I hope the draft is with your Lordships by Captain Barker. Enclos'd is an affidavit by which your Lordships will perceive what treatment our people meet with from the Spaniards. The sd. Mundietto commands a galley of 36 oars and a tender of 12 oars with 250 men in both vessels, and has as I am inform'd the King of Spain's Commission. Here has been a distrust of some of the inhabitants having been lately out dealing with pirates on the French coast. I have sent the Council's proceedings thereon; by which your Lord-

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ships will see that we took all imaginable care to root out the very remains of former ill practices, and to recover a good reputation. This affair was brought on by the Company's selling the person's sloop that they hir'd for a certain term, pretending they were taken by pirates, and at the same time bringing in another vessel and money, and by their prevarication and obstinately concealing the truth when examin'd. Your Lordships have likewise papers enclos'd relating to Governor Rogers which will explain themselves. He staid here near six months, and I believe is return'd for England by way of Boston. The inhabitants some time since made me a compliment, and there being some things in it relating to their inability to help me, I thought it proper to transmitt it to your Lordships *etc.* *Signed,* G. Phenney. *Endorsed,* Recd. 14th Oct., 1723, Read 19th Aug., 1724. $1\frac{1}{3}$ rd pp. *Enclosed,*

677. i. Minutes of Council of the Bahama Islands, 23rd Dec., 1722,—17th June, 1723. Governor Rogers produced accounts of his extraordinary charges during the attack by the Spaniards and the embargo, but was unable to distinguish what ought to be charged to the Copartners and what to the public, with which alone the Council declared themselves concerned *etc.* *Endorsed,* Recd. 14th Oct., 1723. *Copy.* $14\frac{3}{4}$ pp.

677. ii. Minutes of Council of the Bahama Islands, 16th June, 7th Aug., 1723. Enquiry into proceedings of Henry White, who sailed out of this port commander of the sloop *Orange* and returned in a two mast boat, for which and some money he had sold it *etc.* Capt. White was discharged of his recognizance upon evidence being produced that the purchaser, in Hispaniola, was of good repute, and not a pirate *etc.* *Endorsed as preceding.* *Copy.* 8 pp.

677. iii. List of Councillors of Bahama Islands :—James Gohier, William Fairfax, Richard Thompson, Nathaniel Taylor, Samuel Watkins, William Spatchers, Joseph Cookes, Thomas Ockold, John Howell, Thomas Barnett, Thomas Spencer, Thomas Granger. $\frac{1}{2}$ p.

677. iv. Minutes of Council (a), 19th Feb., 1722 $\frac{2}{3}$. The frame intended for the new Church being brought by Capn. Coverly from N. England according to covenant, a Committee was appointed "to erect the Church, in the best manner the subscriptions to be collected can enable them."

(b) 28th July. Directions for erecting a palisade round the fort. *Endorsed,* Recd. 14th Oct., 1723. $2\frac{1}{2}$ pp.

677. v. Address of the Council, Magistracy and principal inhabitants of Providence to Governor Phenney. H.M. not having yet thought fit to grant us an

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Assembly, we declare to your Excellency, as the unanimous voice of the whole people, our satisfaction in your prudent administration *etc.* Commend the equal distribution of justice, freedom of debate in Council, and H.E.'s efforts to complete the fortifications *etc.* "We cannot but regret our inability to supply your wants for the effecting your great designs, but hope that you will have a speedy assistance from home to enable you to proceed and finish a work so highly necessary for H.M. service, and the security of this Colony." *etc.* Court House at Nassau, 29th May, 1723. *Endorsed as preceding. Copy. 1 p.*

677. vi. Deposition of Thomas Walker, Commander of the sloop *Industry* of Providence, 16th July, 1723. In June last off Cuba he was boarded and plundered by a galley belonging to the Havana, which proved to be the King of Spain's, commanded by Capt. Mundietto, who told him that war was proclaimed. A Bristol snow, commanded by Capt. Mullington, was similarly treated. *Signed, Tho. Walker. Same endorsement. 2 pp. [C.O. 23, 1. Nos. 53, 53. i.-vi.]*

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New
Providence.

678. Governor Phenney to Lord Carteret. I had the honor of your Lordship's of the 6th of May last by the pink *Carteret*, and find a satisfaction that I hope will support me thro' all difficultys in having H.M. approbation of my services *etc.* I thank your Lordship for those other marks of H.M. favour your Lordship has been so good to gain for us, the want of which distress'd us at home and made us look little abroad. Besides the necessity of the publick service of the Church which I have been foret to get a Lieutenant to read on Sundays we had a great many unbaptiz'd children which made us the more sensible of the want of a clergyman. I don't question your Lordship's assistance to compleat the hopes you are pleas'd to give me at the conclusion of your letter *etc.* *Repeats preceding covering letter. Continues:—*The soldiers on whom the whole weight of the work lyes, tear to pieces with their continual labour among stone and lime, their linnen, shoes and stockings, so that if there could be a small allowance made them, as Capt. Barker told me was usual, it would give them great encouragement. The small arms and accoutrements for the men having been lost and destroy'd in the late Governor's time as by my first account home on my arrival I have been foret to borrow from the Factory ever since, such arms as they have, which are no ways proper for H.M. troops being long Bucaneer pieces without bayonetts. I humbly pray your Lordp's. order that I may have a new sett for the preservation of which I will make myself accountable. Lieutenant MacManus has scarce done any duty since here, having been almost always imprison'd for some

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odious misdemeanours. He was some time since discharg'd after six months confinement and a fine of ten pounds which I forgave him upon giving £100 security for his future good behaviour, which bonds he has broken and is now in again for that sum. He is of no service at all to the King's Garrison and of particular disservice to the Colony being when at liberty continually quarrelling with and abusing some or other of the inhabitants. I thought it my duty to say this much at least of his character, the rest being too dirty to lay before your Lordship to whose wisdom and good pleasure I humbly submit the determination of this affair. *Signed, G. Phenney. Endorsed, Rd. Oct. 15th., Rd. at the Göhre, Nov. 6th. N.S. 2½ pp. Enclosed,*

678. i, ii. Duplicates of *Nos. 677 v., vi.*

678. iii. Duplicate of *No. 677 iii.* [*C.O. 23, 13. ff. 127-129v., 131-132; (without encl. iii) and (encl. iii. only) 23, 12. No. 82.*]

[?Aug.10.] **679.** [?Mr. *Delafaye*]¹ to Governor Worsley. I have received, transmitted to me by My Lord Carteret from Hannover, your letters to his Lordship of the 26th of March, and 9th of April last, *with enclosures* enumerated, all which I shall take a proper opportunity to lay before the Lords Justices. The hopes you have of putting an end to the animosities you found amongst the inhabitants at your arrivall and of diverting their thoughts from party quarrells to the publick good must necessarily tend to the prosperity and trade of the Island, and be a means of putting the heavy debt, occasioned I am afraid chiefly by those differences in a way of being discharged. I am to acquaint you that the substance of what you write upon the head of Trade, relating to great abuses therein, and of an illegal commerce being carryed on from several parts to your Island, but especially Martinico, has been transmitted by the Lords of Trade to the Lords Commrs. of H.M. Treasury and will soon have its proper consideration, it being of the greatest consequence to have this grievance redressed. The reasons you give for having ordered one of the sloops, that had been seized and condemned, to be manned by white men and employed in the Custom house affairs to prevent the running of goods, leave no room to doubt but that step will be approved off, and although Mr. Dalrymple might think himself obliged to claim H.M. third yet such a proportion will I am persuaded be thought well bestowed upon so necessary a service, in relation to which and other matters you propose concerning the fraudulent and illegal trade, you will hear more fully from me when they have had their due consideration in a proper place. As to what you mention relating to the 100th Article of your

¹ The date and sender are indicated by the opening paragraph in conjunction with the endorsement of Worsley's letter of 1st June.

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Instructions (v. 9th April), I am to observe to you that the long abuse of that Article by which no account has been ever rendred to H.M. of those effects so siezed and secured, nor any benefit accrued to the Crown from them, was the chief reason why H.M. by his Instructions, 12th Sept. 1721, was pleased to direct the pyratial effects to be regularly received, and accompted by the proper Officers constituted for that purpose, in order that by being stated and laid before the Lords of the Treasury here, they might be ready for such disposall as H.M. should think fit; and this was still more necessary since H.M. having by Proclamation declared a certain reward for each Pyrate that should be taken in proportion to his quality, as also for encouraging the captors a fund might be established to answer those purposes which could not be done any way so well as out of the pyratial effects, there being no other provision made for this service by Parliament or otherwise; and therefore I must take notice to you that these Instructions though prior to yours, yet were subsequent in date to my Lord Belhaven's, and as yours are the same with his Lordships without any change in this respect at least, I think it cannot be construed that the general words of the Article you mention relating to pyratial effects has superseded H.M. special directions for receiving and accounting for those effects are contained in his Instructions to the Casual Receiver. I don't apprehend that the Act passed by the Assembly for granting to you £6000 per annum will meet with any difficulty in the confirmation of it and you may depend upon my good offices to promote it or any thing else that may be for your service. You having sent to the Lords Commrs. of H.M. Treasury copys of the several papers concerning the disputes between the Custom house Officers and the Casual Receiver *etc.*, you may soon expect a decision on that head. *No date or signature. Draft. 3½ pp. [C.O. 28, 44. ff. 61-62v.]*

[?Aug.10.] **680.** Memorandum [*?by Charles Delafaye*] upon Governor Worsley's Instructions relating to ships coming from the East Indies (v. 1st June). The words in the Instructions (v. C.S.P. 2nd Oct., 1721) are *ship or ships*, without any exception; but the words *charter parties, invoyces, cocquets etc.* afterwards mentioned in the same sentence might induce Mr. Worsley to apply it only to trading ships. *Suggests that Mr. Attorney and Solicitor General, who were consulted in preparing this Instruction, should be asked their opinion etc. No date or signature. 3 pp. [C.O. 28, 44. ff. 57-58.]*

Aug. 13. **681.** Mr. Secretary Walpole to Lord Carteret. Your Whitehall. Lordp. will see by the inclosed Order in Council, that I am directed to transmit to H.M. the report of the Lords of the Committee of Council upon three Acts passed by His Grace the

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Duke of Portland in Jamaica *etc.* *Continues*: The reasons contained therein for disallowing these Acts appeared so full and convincing to the Lords Justices, that they thought it their duty to repeal them and it being a point of so great importance to H.M. service that the laws and revenues of the Island of Jamaica should be put upon a better footing than they are by the Acts which are now repealed, the Lords Justices judged it highly necessary that such a letter as is proposed by the Lords of the Committee should forthwith be sent to the Duke of Portland; and to give it the greatest weight, they were humbly of opinion it should be under H.M. sign manual *etc.* P.S. The Lords Justices have taken time to consider of what Mr. Worsely wrote concerning the men of war touching at Barbadoes, the instructions relating to it being a little doubtful. *Signed*, R. Walpole. *Annexed*,

681. i. Order of Lords Justices in Council. Whitehall. 6th Aug. 1723. Copy of No. 676.

681. ii. Report of Committee of Privy Council *on above three Acts*, 26th July, 1723. *Set out*, A.P.C. III. pp. 46–54. q. v.

681. iii. Draft of H.M. letters to Governor the Duke of Portland, v. 27th Aug.. [C.O. 324, 35. pp. 19–44; and (No. iii. only) 137, 52. ff. 31–34.]

Aug. 14. **682.** Order of the Lords of the Committee of Council for
Whitehall. hearing appeals and complaints from the Plantations. Upon taking into consideration the Representation, referred to them by the Lords Justices, proposing the removal of Thomas Brooke from the Council of Bermuda, the Committee order the Council of Trade and Plantations to report to them what proofs have been transmitted to them to support the charge made against said Brooke by Col. Hope, and what opportunity has been given Brooke to answer the said charge. *Signed*, Jas. Vernon. *Endorsed*, Recd. 20th Aug., Read 23rd Oct., 1723. 1½ pp. [C.O. 37, 10. No. 45].

Aug. 16. **683.** Mr. Delafaye to the Council of Trade and Plantations.
Whitehall. *Encloses following with the Lords Justices' directions* "that you do with all convenient dispatch enquire very particularly into the several facts therein sett forth, and into all the circumstances of the case, and report a state thereof together with your opinion what is proper to be done therein." *Signed*, Ch. Delafaye. *Endorsed*, Recd., Read 20th Aug., 1723. 1 p. *Enclosed*,

683. i. Memorial of Governor Shute to the King. [*Upon arrival in the Massachusetts Bay in Oct. 1716.*], I soon call'd the General Assembly together. I found the House of Representatives, who are chosen annually, possessed of all ye same powers of ye House of Commons, and of much greater: they having ye power

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of nominating once a year, the persons that constitute your Majesty's Council *etc.*, and giving ye salary of ye Governour and Lt. Governour, but from six months to six months; and likewise giving such only, as is no way suitable to ye rank of your Majesty's Governour and Lt. Governour, or to ye known abilitys of ye Province, and this notwithstanding your Majesty's Instructions, directing them to settle a salary suitable to their stations, and for such time as they shall continue in [*?them*]. The said House likewise appoint the salary of ye Treasurer every year, whereby they have in effect ye sole authority over that important office, which they often use in order to intimidate the Treasurer from obeying the proper orders for issuing money; if such orders are not agreeable to their views and inclinations. By all which means the House of Representatives are in a manner the whole Legislative, and in a good measure the executive power of the Province. This House consists of about one hundred, who by an Act of Assembly must be persons residing in the respective towns, which they represent: whereby it happens that the greatest part of them are of small fortunes, and mean education; men of the best sense and circumstances generally residing in or near Boston; so that by the artifice of a few designing members, together with the insinuations of some people in the Town of Boston, the Country Representatives are easily made to believe; that the House is barely supporting the priviledges of the people, whilst they are invading the undoubted prerogatives of ye Crown. Were it not for this Act, the Assembly would certainly consist of men of much better sense temper and fortune than they do at present. The Assembly usually sit at Boston the Capital of this Province, a large and populous town, suppos'd to contain about 18,000 inhabitants, under no magistracy, by the want of which, many of the inhabitants become too much dispos'd to a levelling spirit, too apt to be mutinous and disorderly, and to support the House of Representatives, in any stepps they take towards eneroaching on the Prerogative of the Crown. That this is too much the prevailing temper, in ye majority of the inhabitants of this town is plain from hence, that if I have at any time, according to the known power vested in your Majesty's Governour of that Province, with the strongest reasons, given my negative, to any person nominated to be of your Majesty's Council there, the said town have hardly ever fail'd to choose him their Representative. Three

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negativ'd Councillors are the present Representatives of ye Town of Boston. This practice is so notoriously known and justify'd, that it is a common maxim, that a negativ'd Councillor, makes a good Representative. The House of Representatives thus constituted and abetted, notwithstanding the many uncommon priviledges they enjoy by vertue of their Charter, far from being contented therewith, have for some years last past been making attempts upon the few Prerogatives that have been reserv'd to ye Crown : weh. for that reason, as well as from the obligation of my oath, and ye trust repos'd in me by your Majesty, I have endeavour'd, to my utmost, to maintain against all invasions whatsoever.

I wou'd humbly beg leave to lay before your Majesty some instances, in which they have endeavour'd to wrest those prerogatives out of yr. Royal hands. (i) The House of Representatives have deny'd your Majesty's right to ye woods in the Province of Main, contrary to the reservations in their Charter, to an Act of Parliament of Great Britain, and the Instructions I reced. from your Majesty *etc.* The said House having receiv'd an account of a great quantity of trees that were fell'd, and cutt into loggs in the County of York, many of them fit for masting the Royal Navy, voted, that a Committee of that House, shou'd be joyn'd with a Committee of ye Council, to make enquiry into that affair, and to dispose of those loggs for the use of the Province. To which ye Council at my instance, made ye following amendment viz. "saving to his Majesty his right." But ye House of Representatives refus'd to agree to that amendment. After which, without either my consent or the Councils, they sent a Committee of their own, with orders to dispose of the sd. loggs for ye use of the Province. (ii) The House of Representatives wou'd have refus'd me the power of a negative on the choice of their Speaker ; which I thought it necessary to make use of against Mr. Cooke, when he was chosen to that Office ; he having publicly oppos'd your Majesty's known rights to those woods. And the said House insisting on their choice notwithstanding the negative I had given it, I dissolv'd that Assembly ; and then made a Representation of the whole matter to ye Rt. Honble. the Lords of Trade *etc.*, who sent me the opinion of your Majesty's Attorney General, that ye power was vested in your Majesty's Governour for ye time being. And when they acquainted me, at the next meeting of ye House of Representatives

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by a message, that they had chosen Mr. Clarke for their Speaker, and I had return'd them for answer, that I approved their said choice, the House of Representatives sent me this message, viz. "that they did not send up the foregoing message for my approbation, but for my information only," and since that time, whenever the Speaker has been absent by sickness, or otherwise, they have never fail'd to choose the said Mr. Cooke Speaker *pro tempore*. (iii) The House of Representatives voted a publick Fast throughout your Majesty's said Province; a thing never attempted by any of their predecessors: It being very well known, that that power was always vested in, and exercis'd by your Majesty's Governour in that, and all other Colonys in America. (iv) Tho' the Royal Charter has vested in the Governour only the power of proroguing the General Assembly; yet the House of Representatives sent up a vote to the Council adjourning the General Assembly to ye Town of Cambridge; To which I refused to give my assent, and yet after this, they adjourned themselves for several days without my consent, or privity; and did not meet me on the day, to which I had adjourn'd the General Assembly. (v.) I had hop'd that the House of Representatives, upon making due reflection on the several attempts, they had unwarrantably made against these your Majesty's undoubted Prerogatives; and the constant opposition they had met with from me therein; wou'd have desisted from any further attempts of this kind: But to my great surprize they have endeavour'd to wrest the sword out of your Royal hands, as will appear by the following instances. Tho' the Charter, as well as your Majesty's Commission, gives the command of all the forts in the said Province to your Majesty's Governour, and ye sole power of building and demolishing such forts; yet the House of Representatives voted (*In margin*, 13th, 29th and 14th June, 1722) that a Committee of their House shou'd go down to your Majesty's Castle William, to take an account of all ye stores there; and to take receipts from the Officers for the same, without any application made to me, for my leave, and in the same manner, without asking my consent, order'd the Treasurer, that he shou'd pay no more subsistence money to the Officers, and soldiers of Fort Mary, at Winter Harbour; and directed him to take speedy care that the provisions of ordinance, arms and ammunition, and all other stores of warr at that Fort, shou'd be transported to Boston, and

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lodged with him. Upon which, I must begg leave, to observe to your Majesty, that the last of these is the only fort and harbour, that can secure the fishing vessels of your Majesty's subjects, in the Eastern parts. The inhabitants have been so sensible of the danger of dismantling this fort, that one hundred and thirty two persons at Marblehead *etc.* have petition'd the House of Representatives since my departure, that the said Fort may not be dismantled ; whereupon the House has desisted from any further attempts that way, and order'd it to be supported. (*In margin*, 20th Dec., 10th Jan., 1722). This instance may serve at the same time to shew the disposition of ye House, to wrest the sword out of your Royal hands, and that by their assuming this undue power to themselves, the people are taught to address them in cases ; where they should only apply to him, that has ye honour of commanding in chief over your forces there. (vi) The House of Representatives voted, (*In margin*, 17th Augt. 1722) that Mr. Moody a Major in your [*Majesty's for*]ces there shou'd be suspended, and that even unheard ; which vote they sent up to the [*?Council for their*] concurrence, But the Council nonconcurring the said House of Representatives order'd [*the salary of Maj*]or Moody shou'd be no longer paid. And upon my expostulating with the House on their proceeding against a Major in your Majesty's service, so manifestly contrary to all rules of Justice, they sent me a Message, justifying their proceedings against him, in terms that have not been usually given to one, that has the honour of being your Majesty's Governour in that Province. And to [] your Majesty's Governour there of less weight, they have of late address'd the Chair in terms much less respectful, than any of their predecessors. (vii) The House of Representatives order'd a Committee [*In margin*, 17 and 20 Nov. 1720] to command the Officers at ye Eastern and Western parts of the Province, to draw out their forces, and muster them ; only under colour of an order sign'd by their Speaker. And the said House has been so far from returning to a just sense of their duty, and from acknowledging this unprecedented violation, of the most important and undoubted right of your Crown ; that they have since my departure from ye said Province, by your Majesty's leave, repeated this unpresidented attempt ; by pretending to the power of drawing off the Forces from the place where they were [*In margin*, 8th Janry. 1722]. Which bold pretence of theirs, has not gone

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without a proper animadversion, and reprimand from your Majesty's Lt. Governour. These charges may be made good by their own votes. I wou'd with humble submission, further lay before your Majesty, that upon my arrival, I had good reason given me, to expect, that they wou'd allow me for my salary £1500 p. ann. of the money currant there. But they gave me no more the first year than £1200 of that money. At which time £160 there, was equal in value to £100 sterling: And they did likewise continue the same allowance for two years after, And tho' provisions have been much dearer since, they have given me no more, than £1000 p. ann. of that money; which is now so much reduc'd in its value, that £260 is but equal to £100 sterling: and therefore is now above a third less in value, than when I first arrived there, so that £385 sterling p. ann. is all which they in reality now allow me. They vote me that sum by moiety's at each Session of their Assembly, which is once in six months: But even that they don't give me, till I have passed the Bills in the respective Sessions; thereby to constrain me as far as they can, to consent to any Bills they lay before me. In the last Sessions of the Assembly, they have voted me no salary at all. So that I have been, and must be, without any support from them for some time: And because I did all in my power to prevent their encroachments on your Majesty's just Prerogative; they have endeavour'd to make me uneasy by other ways, as well as by reducing the salary or allowance which they formerly gave me: As appears by comparing the salary of the three first years with the salary or allowance of ye three last; and as might be made appear to your Majesty by other instances if that was necessary. They voted the Lt. Governour for his service of three years, no more than £35 of that Country money; which he thought below the honour of his Commission to accept. For which unjust treatment I know no other reason, than that he is firmly attach'd to the just Prerogatives of the Crown.

It is but justice to the Province, after making these observations on the House of Representatives, and on too great a part of ye Town of Boston, humbly to acquaint your Majesty, that the whole Clergy of ye Province, as well as the generality of the People, are zealously affected to your Majesty's person, and Government; and the succession of the Crown in your Royal Family. And that the unjustifiable proceedings of the House of Representatives, are disapprov'd by

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those in the Province, who are most distinguished for their wealth, understanding and probity; tho' by reason of the Constitution of that Government which in effect excludes many of the richest [.....] of Representatives, they are not able to prevent or redress [.....]. I am also humbly of opinion that this Province may deserve your Majesty's attention, the rather, because it is of great extent, well peopled, capable of being made a strong frontier, to several of your Majesty's other Colonys; furnishes pitch, tarr, masts and planks, for your Royal Navy: and other valueable commodity's, which they exchange for British manufactures. *Signed*, Samuel Shute. 4 large pp. *Torn*. [C.O. 5, 868. ff. 382-384v., 385v.; and 5, 915. pp. 365-377.]

Aug. 16. **684.** Mr. West to the Council of Trade and Plantations. Reports, upon Act of New York *to enable trustees to sell lands of Gilbert Livingston in the City of New York for payment of debt due to H.M. for farming the Excise*, that there is thereby a composition made for a debt due to the publick in that Province. "Whether compositions of that kind are usually or proper to be made in the Colonies abroad your Lordships will judge." *Signed*, Richd. West. *Endorsed*, Reed. 16th Aug., 1723, Read 2nd April, 1724. $\frac{1}{2}$ p. [C.O. 5, 1053. ff. 171, 172v.]

Aug. 20. **685.** Lt. Governor Wentworth to the Council of Trade and Plantations. *Refers to* letter of 15th March. *Encloses* Journals of Assembly 10th Dec., 1722—1st June, 1723, and account of stores remaining in H.M. Fort William and Mary, "which are very small and low." *Continues* :—I hope Governour Shute has made proper application for some recruits otherwise we shall be in a pore condetion. I have sent to the Lords of the Treasury Mr. Collector Armstrong's accots. ending 25th June, 1723, from which time Butts Bacon Esqr. haveing taken the oaths appointed is admitted Collector of this port *etc*. There being no officer appointed from home to take care of H.M. woods in this Providence and preventing the destruction of pine trees *etc*. I shall therefore take all possible care to prevent any such spoile *etc*. Mr. Armstrong has left with me his original deputation and instructions *etc*. I would with great submission move to your Lordships, that the commanding officer of this Province living upon the spot and seeing and heareing everything that passes, is likely to serve the King's intrest *etc*. better then any deputy or sub-deputy Surveyer *etc*. I have had the honour to serve H.M. neer six years as Lt. Governor of N. Hampshire and have and do expend £300 a year more then the income or profits of my post *etc*. The whole income of the place not £200 a year of this mony when Governour Shute is in the country *etc*. *Asks*

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for such an allowance as may enable him to do the duty of Surveyor of H.M. Woods, which cannot be carried on without considerable charge *etc.* *Signed*, Jno. Wentworth. *Endorsed*, Reed. 23rd Dec. 1723, Read 23rd July, 1724. $3\frac{3}{4}$ pp. *Enclosed*, 685. i. Account of powder and stores in H.M. Fort William and Mary, 28th May, 1722–1723. *Signed*, Robert Coats, Gunner. $3\frac{1}{2}$ pp. *Endorsed*, Reed. 23rd Dec. 1723. $3\frac{1}{2}$ pp. [C.O. 5, 869. ff. 33–37v.]

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686. Scheme for a settlement of 400 families on or near the Harbour and River of Le Have, Nova Scotia, in 3 years, pursuant to the petition of Major Charles Davison and others *etc.* v. 17th April, 1722 and 21st July, 1719. It is intended to develop the fishery and production of Naval Stores *etc.* *Signed*, Cha. Davison, Charles Browne, Cutts Hassan, Alex. Wilson, Peter Capon. *Endorsed*, Reed., Read 20th Aug., 1723. $2\frac{1}{2}$ pp. [C.O. 217, 4. ff. 189–190v.]

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Charles City
and Port.

687. Governor Nicholson to the Council of Trade and Plantations. *Encloses* duplicate of letter of 1st July, and refers to papers sent to the Agent, Mr. Yonge, to be laid before the Board *etc.* *Continues*:—I have an account that complaints are made to yor. Lordps. against an Act passed here to make this place of Charles City and Port a Corporation as likewise another for making and emitting bills: There have been and will now be sent severall authentick papers *etc.* concerning the said Acts so I will not here presume to trouble your Lordps. with the said accot. but I begg leave to assure yor. Lordps. if I had not judged them to be for H.M. interest and service I should not have presumed to rattify the said laws: all the favour that I begg in this case and all others of the like nature is that I may not be censured or condemned before I am heard, that my accusers may be obliged to sign what they have to say against me and give bond to answer me at law. I partly guess who are the opposers of those two laws and mine accusers in other matters vizt. some are dissatisfyed that H.M. hath the Government of this country or that there is any Government at all unless they can be the persons, others who find that their smuggling and illegal trade is like to be prevented, others who are much in debt both in Great Brittain and here who join with the former to oversett the Government in order to have an excuse for not paying their debts but pretend they were ruined by such overturn tho' they themselves should be the principal causes of it; I am also a petitioner to yor. Lordps. from H.M. Honble. Council and Assembly that they may not be censured nor condemned in this case till they have answered the accusations layd against them for by their assistance (I thank God) I have been able to govern this H.M. Province according to my Comicon and Instructions *etc.* The Assembly is prorogued to

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the third of the next month but there having been a very great deal of rain of late which have made great inland floods and I am affraid hath much damnified the rice and Indian corn, and the hurican time drawing nigh if the Assembly should meet on that day I believe it would be prejudicial to all the members thereof. I believe H.M. Honble. Council will think it advisable to prorogue them till about the 24th at which time I hope it will not be inconvenient for them to meet and sitt about a week in order humbly to lay before yor. Lordps. the state of both those Acts and for regulating some affairs which will be absolutely necessary to be done before their meeting some time the later end of October or November in order to the stating the debts of the Province, for by that time they will know whither ye 80,000 pounds in bills now printed will be sufficient to pay off the old ones which we are in hopes they will we having already made three burnings of the old ones amounting to about £25,000 and people dayly bring their old bills to exchange for new ones. The two first plates are printed off and destroyed the third plate being all small bills are "not yett compleat but the persons employed in that affair use all dilligence in the dispatch of the said bills till thoroughly finished. I am in dayly hopes of receiving licence to goe for Great Brittain *etc.* and paying my duty to yor. Lordps." *etc.* Signed, Fr. Nicholson. 2 pp. Endorsed, 6th Feb., Read 29th Oct., 1724. 2 pp. [C.O. 5, 359. ff. 43, 43v., 44v.; and (duplicate, endorsed, Recd. 27th Nov., 1723, Read 29th Oct., 1724) 45-46v.; and (abstract) 5, 406. p. 6.]

Aug. 22. **688.** Governor Nicholson to Lord Carteret. *Encloses* Charles City duplicate of 1st July. *Continues*:—By this opportunity I write and send to Mr. Yonge copys and duplicates of a great many South papers *etc.* concerning the affairs of this H.M. Province, to be Carolina. laid before your Lordship *etc.* Knowing that your Lordship's time is taken up in publick affairs in all respects, I will not presume here to give your Lordsp. any further trouble *etc.* Signed, Fr. Nicholson. Endorsed, Rd. Feb. 12th, 172 $\frac{3}{4}$. $\frac{1}{2}$ p. [C.O. 5, 387. No. 39.]

Aug. 22. **689.** Mr. Delafaye to the Council of Trade and Plantations. Whitehall, *Encloses* following reply to representation upon illtreatment of H.M. subjects at Martinique and Guardeloupe, which "the Lords Justices commanded me to transmit to Mr. Crawford H.M. Resident at the Court of France, with directions to make proper remonstrances thereupon." Signed, Ch. Delafaye. Endorsed, Recd. 26th Aug., Read 28th Nov., 1723. $\frac{3}{4}$ p. Enclosed,
689. i. Mr. Crawford to [?Mr. Delafaye]. Paris, 27th Aug., N.S., 1723. I have discoursed with M. de Morville who was Secretary of State for the Marine affairs here. He told me, that he had caused inquiry to be made,

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in the Admiralty correspondence with the French West India Colonies, and finds a very long and particular account of Habbiah Savage, the principal complainer: That he has been a notorious smuggler in those parts, and a plague to their Custom-house Officers there, these seven years past. That he has been twice or thrice caught, and was lately condemned, in the confiscation of his sloop, and in a fine of 2000 crowns. That he disputed the matter at law, and got half of it remitted, in a superior Court, which mildness had given offence to the Governmt. here. That in general, the whole is but an affair of Custom House Officers, who have orders to be very strict in guarding their coasts against interlopers *etc.* He says they are very jealous of their West India Trade, and are far from being well satisfied with their own Governors, because they connive too much at the smuggling trade *etc.* He promised to write that care might be taken, that no violence should be done to the persons of the King's subjects, that may fall into their hands, other than what is warranted by law against offenders, but prays at the same time that we may concur with them in discouraging the interloping trade: and to that end desires, that we will use the French subjects that are caught in it, in our Colonys, with full as much severity as is used to the British subjects in theirs. *Signed, Tho. Crawford. Endorsed, Recd. 26th Aug., 1723. Copy. 2½ pp. [C.O. 152, 14. ff. 215, 216-217v., 218v.]*

Aug. 27. **690.** Order of Lords Justices in Council. Confirming Act of
Whitehall. Nevis *for settling estate of Thomas Herbert etc. Signed, Ja. Vernon. Endorsed, Recd. 17th, Read 18th Dec., 1723. 2¼ pp. [C.O. 152, 14. ff. 219-220v.]*

Aug. 27. **691.** Order of Lords Justices in Council. Repealing Act of
Whitehall. Montserrat, 1722, *for granting certain duties upon dry goods and liquors and for the payment of £500 annually to Governor Hart etc. Signed and endorsed as preceding. 2 pp. [C.O. 152, 14. ff. 221, 221v., 222v.]*

Aug. 27. **692.** Order of Lords Justices in Council. Confirming Acts
Whitehall. of Bermuda, (i) *to prevent the destruction of palmetto trees etc., (ii) for making an addition to the salary of John Hope, Governor etc., and (iii) to prevent any person from having any net exceeding the length of 3½ fathoms etc. Signed, Jas. Vernon. Endorsed, Recd. 17th, Read 18th Dec., 1723. 1½ pp. [C.O. 37, 10. No. 50.]*

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Aug. 27. **693.** Order of Lords Justices in Council. Confirming Act of Barbados *for supporting the honour and dignity of the Government*, and ordering that, in case any deficiency shall happen in the taxes granted by the said Act, the same should not be charged upon any other branches of the Civil Government, nor otherways made good by any tax to be granted in the said Island, nor shall such deficiency be made use of by H.M. Governor of Barbados, as a claim of debt upon the Crown *etc.* Signed, Ja. Vernon. Endorsed, Reed. 17th, Read 18th Dec., 1723. $1\frac{3}{4}$ pp. [C.O. 28, 17. ff. 580, 580v., 581v.]

Aug. 27. **694.** Order of Lords Justices in Council. Repealing Acts of S. Carolina *for raising £17,248 etc.*, and *for reprinting the current paper bills and printing an additional £40,000 in bills of credit etc.* Signed, Ja. Vernon. Endorsed, Reed. 17th, Read 18th Dec., 1723. 2 pp. [C.O. 5, 359. ff. 3, 3v, 4v.]

Aug. 27. **695.** Order of Lords Justices in Council. Governor Nicholson is to be instructed not to pass any such Acts *as above* for the future, but to propose to the Assembly the speedy discharge of such bills of credit as have been issued on pretence of above Acts *etc.* Set out, A.P.C. III. No. 48. *q. v.* Signed and endorsed *as preceding.* $2\frac{1}{2}$ pp. [C.O. 5, 359. ff. 5-6v.]

Aug. 27. **696.** The King to Governor the Duke of Portland. Refers to reports upon 3 Acts of Jamaica (*v.* 13th Aug.) stating that, "in the first, *for making H.M. revenue perpetual, etc.*; there are several clauses contained of a very extraordinary nature, relating to the laws proposed to be in force, and which may be attended with many inconveniencys both with regard to Our Government in Our said island, and to the estates and commerce of Our subjects; and that the revenues granted by the said Act will fall very far short of the necessary annual expences of Our Government there; and that you have not pursued either that part of your general Instructions whereby you were required in passing of Acts to insert a clause for preventing their taking effect till Our pleasure should be known, or the particuar Instructions which were given you for your guidance in this affair, requiring you not to pass the said Act, before the state of the revenue and expences of the Government of Our said island had been duly considered, and the disposition of the Council and Assembly there had been previously known, and transmitted, and requiring you to insert in the said Act an establishment of the annual expences of the Government, and to transmit the draught of such an Act, with the establishment to be comprehended therein, for the approbation of Our Commissioners of Our Treasury here before the same was passed into a law. For which reasons together with several others contained in the said report of the said Lords of the Committee

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(a copy whereof is herewith transmitted to you for your particular information) against the sd. first-mentioned Act, as also against the second, relating to frauds in collecting Our revenue, and the third relating to your additional salary; Our said Guardians and Justices have thought proper, with the advice of Our Privy Council to repeal all the said three Acts, and whereas Our said Guardians and Justices have humbly proposed that a letter under Our signet and sign manual should be sent to you, and acquainting you with the reasons alledged for repealing the said Acts and directing you how to govern yourself in the passing others in lieu thereof, We taking the same into Our most serious consideration, cannot but express Our concern to find, that you have not paid that due regard to Our repeated Instructions wch. we might have expected, especially in an affair of so great importance to the good and quiet of Our subjects, as well as the honour and security of Our Government in that Our island. Wherefore we have judged it highly necessary, that you should be acquainted with the reasons for rejecting the said Acts. And in order to the preparing such other Acts as may be more proper for Our Royal approbation, We do hereby expressly require and command you forthwith to communicate to Our Council and Assembly Our gracious intention to continue the laws of the said island, as they now stand, either in perpetuity, or for a term not less than twenty one years, so as they will consent to continue all the present revenues, with such further additions, as may be sufficient to defray the whole expence for ever or for a like term of years; and that you with the said Council and Assembly do prepare the draught of an establishment of the whole expence and additional expences of that Our island for the future, including such additional salary to you, as shall be thought proper to be settled on you during the continuance of your Government. And you are to transmit the same with the draught of an Act both for the revenues and additional revenues, as also for the future annual expence, that the same may be considered by Us, and Our further directions thereupon may be given for a perfect settlement thereof before the first day of October, 1724 *etc.* Countersigned, Carteret. [C.O. 324, 35. pp. 40-44.]

Aug. 27. **697.** Order of Lords Justices in Council. Repealing Act
Whitehall. of Virginia *for the better discovery and securing H.M. quit rents.*
Signed, Jas. Vernon. *Endorsed,* Recd. 17th, Read 18th Dec.,
1723. 1 $\frac{3}{4}$ pp. [C.O. 5, 1319. No. 33.]

Aug. 27. **698.** Order of Lords Justices in Council. Repealing Act
Whitehall. of Virginia *for amending the Act concerning servants, slaves and convicts etc.* *Signed and endorsed as preceding.* 2 pp. [C.O. 5, 1319. No. 34.]

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Aug. 29. **699.** Affidavit by Major Davison and Capt. Capon that the signatories of the petition (*v.* 17th April, 1722, and 21st July, 1719) were present at the taking of Annapolis Royal, Alex. Wilson appearing for the right of Walter Elliot. *Signed*, Cha. Davison, Peter Capon. *Endorsed*, Reed. Read 4th Sept., 1723. $\frac{2}{3}$ p. [*C.O.* 217, 4. *ff.* 191, 192v.]

Aug. 29. **700.** Francis Lynn, Secretary to the Royal African Co., to Mr. Popple. The Royal African Co. pray to be heard against Act of Virginia *laying dutys on liquors and slaves imported*, "whereby not only the trade of Great Brittain in generall, but that of the said Company in partieular will be very much affected." *Signed*, Fra. [*?Lynn*]. *Endorsed*, Reed. 2nd Sept., Read 12th Nov., 1723. *Addressed*. 1p. *Torn*. [*C.O.* 5, 1319. No. 28.]

Aug. 29. **701.** Petition of Thomas Sandford and Anthony Sanderson, Agents for the Assembly of the Massachusetts Bay, to the Lords Justices. *Pray that* consideration of Governor Shute's Memorial against the Assembly may be delayed until they have heard from the Assembly, to whom they have transmitted a copy, and that they may be then heard thereupon. *Subscribed*,
 701. i. The Lords Justices to the Council of Trade and Plantations. Refer preceding for their report. Whitehall. 29th Aug., 1723. *Signed*, Ch. Delafaye. *The whole endorsed*, Reed. Read 30th Aug., 1723. 2 pp. [*C.O.* 5, 868. *ff.* 455, 455v., 456v.]

Aug. 30. **702.** Governor Phenney to Lord Carteret. Lieut. MacManus being departed this life of a feavor and flux in confinement at his own house, having left a widow and three small children, and Lieut. Ockold being very ancient and crazy with the dropsy, I thought it entirely necessary for H.M. service, and that the fortifications may not be neglected which makes our duty very hard, to appoint Edward Knight eldest serjeant to the Independant Company, to be Lieutenant in his stead til H.M. Royal pleasure be further known. He has serv'd nine years in Flanders and is a sober, discreet man *etc.* He has given 200 pices of eight which I have advanc'd to the widow to carry her and the children home *etc.* It is a great enecouragement to the Company (which their hard work deserves) to see one of their own body advanc'd *etc.* Your Lordship's bastion is almost finisht *etc.* *Signed*, G. Phenney. *Endorsed*, Rd. Jan. 8th, 172 $\frac{3}{4}$. 1 p. *Enclosed*,

702. i. Deposition of Thaddeus Maccarty, Commander, William Lee, mate, and Andrew Snodgrass, mariner of the brigantine *Success*. 20th Aug. 1723. Bound from Boston to Jamaica, were captured off Cape Mayez by Spanish pirates, under Peter Roman, who

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had run away with a ship from Cadiz. They met with a sloop from Baracoa, with whom the pirates exchanged civilities. The Spaniards gave them some encouragement, for they carried deponents and brigantine to Niepo in Cuba. Deponents and the rest of the ship's company were stripped and ill-treated, but at length the commander of the Frenchmen hastily ordered them away in a boat *etc.* *Signed*, Thadeus Macarty, Wm. Lea, Andrew Snodgrass. *Copy.* 1½ pp. [C.O. 23, 13. ff. 133, 134v.-135v.]

Aug. [] **703.** John Usher to [?Lord Carteret]. By virtue of their Act of 1722. the inhabitants of New Hampshire are destroying all the choicest timber for naval stores, shipping it to Spain and return by a smuggling trade in silks and linen 300 p.c. for iron *etc.* *Proposes* that all timber and naval stores as an enumerated commodity be prohibited from exportation to any but Crown Dominions *etc.* *Signed*, Jno. Usher. 1¾ pp. [C.O. 137, 52. ff. 29, 29v.]

Sept. 3. **704.** Council of Trade and Plantations to the Lords Justices.
Whitehall. *Representation upon Governor Shute's Complaint against the Assembly of the Massachusetts Bay, (v. Aug. 16, 1723 and cf. Report of Committee of Appeals, 29th May, 1725, set out, A.P.C. III. No. 75).* We have made the best inquiry we could into the several facts therein set forth, all which we find to be verify'd by the printed votes of the said Assembly. 1st charge *quoted* (v. Aug. 16th). We were attended upon this occasion by some persons in behalf of the said Assembly, who altho' they were not instructed to make answers to the several facts charg'd in this Memorial, yet attempted to make a distinction in behalf of the House of Representatives, by alledging that altho' all trees of a certain diameter within the Province of Main, whilst growing, are reserv'd to the Crown for the use of the Royal Navy, by the Act *for the preservation of white and other pine trees growing in H.M. Colonies of New Hampshire, the Massachusetts Bay and Province of Main, etc. etc.*, yet the same being cut down and converted into logs, the property was thereby changed and belonged to the Massachusetts Bay as proprietors of the soil of the Province of Main. But this appears to us to be a scandalous evasion of the said Act, inasmuch as it would be very easy for the Assembly to employ people underhand to cut down the said woods, and then claim them as their own. Your Excellencies without doubt are appriz'd of what consequence it is that the Royal woods in America should be carefully preserv'd and we are very sorry to observe how impossible it is that any order should be taken in this matter whilst the inhabitants are so ill disposed, and the Surveyor General of H.M. Woods remains in Great Britain,

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absent from his duty. (ii) Col. Shute in his letter to this Board, 1st June, 1720, complained that the House of Representatives had contested H.M. right of putting a negative by His Governor on their choice of a Speaker, contrary to the Charter of the Massachusetts Bay, which had obliged him to dissolve that Assembly. Whereupon we consulted Sir Robt. Raymond, H.M. Attorney General, who was clearly of opinion, that this right was expressly reserv'd to the Crown by the Charter, a copy of which opinion is hereunto annexed : But notwithstanding this, we find by the votes of the subsequent Assembly of 22nd Aug. 1721, that altho' they did then signify to the Governor the name of the person whom they had chosen for their Speaker, yet upon the Governor's returning for answer, that he approv'd their choice, the House of Representatives sent him word, that they did not send up the foregoing message for his approbation, but for his information only ; which we conceive to have been a great ineroachment upon H.M. Prerogative. (iii) *This* we likewise conceive to have been another encroachment on the Royal Prerogative, nor do we ever remember to have seen an attempt of the like nature in any other Assemblies of H.M. Colonies abroad. (iv) On the 12th July, 1721, the Assembly adjourn'd themselves to the 18th, without the Governor's leave first obtain'd, which was an unusual and irregular proceeding, as appears by the precedent quoted in the Governor's Speech upon that occasion, and likewise by their own acknowledgement ; But their attempt to adjourn themselves in the month of August following, from Boston to the town of Cambridge, without the Governor's leave, seems to be a matter of still higher consequence and worthy of your Excellency's animadversion. We cannot however pass over these two Articles, without observing to your Excellency's that it appears by several messages, particularly by their votes of 19th and 20th July, 1721, that the Representatives were fully appriz'd that the right of adjournment (for any time further than from day to day) was by their Charter vested in H.M. Governor for the time being. The words of their last message on that subject, were these, vizt., "The House of Representatives do truly confess and acknowledge that by the Royal Charter your Excellency and the Governors for the time being have the sole power and authority to adjourn prorogue and dissolve the Genl. Court. And the House further acknowledge that your Excellency ought to have been acquainted with the design and intention of the House in their adjournment from 12th to 18th July, before they did adjourn, and that it was so design'd, but casually omitted." Upon which occasion, we beg leave to observe, such is the unreasonable obstinacy of these people that at the very instant they are acknowledging the power of adjournment to be in the Governor only, they would assume that power to themselves, and instead of asking

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pardon for adjourning without leave from the Governor, they only make an excuse for not having acquainted him with their intentions to adjourn. (v, vi) All *these* facts, relating to the forts, stores of war, suspending of officers, and mustering the Militia, seem to us to be matters of the highest consequence, being direct usurpations of the Royal authority, and breaches of the known and indisputable right of the Crown, declared to be such by several Acts of Parliament, particularly by that of the 13th year of King Charles II. ch. 6., *quoted*. The persons who attended in behalf of the House of Representatives, in excuse for their having assum'd the power of mustering the Militia, alledg'd, that the Governor upon application from the House, had consented thereunto, and indeed upon perusal of their votes of the 17th Nov., 1722, one would naturally be induced to believe that application had been made to the Governor for that purpose, the mustering of the forces being mention'd in the preamble of their resolution which immediately precedes their Address upon that subject ; But it appears very plainly by their votes of 20th Dec. following, that no application was ever made to the Govr. for mustering the forces in their Address, or any leave given by him for that purpose, copies of the said votes are hereunto annex'd, whereby it will appear how disingenuously as well as undutifully the said House of Representatives have acted in this particular. As to what concerns Col. Shute's complaint against the House of Representatives for having diminished his salary, the persons who appear'd in behalf of the House of Representatives alledg'd that altho' his salary of late years might be less than it formerly had been, 'twas still larger than what had been allow'd to his predecessor, and that they may give their Governor what salary they please, not being restrain'd in this particular by their Charter ; However 'tis plain they have had but very little regard to H.M. Instructions on this occasion, who hath recommended to them to make an honourable provision for His Governor. Upon this occasion, we think it our duty to inform your Exceys. that the inhabitants of the Massachusetts Bay, which contains much the greatest part of New England, are incorporated by the Royal Charter of their late Majesties King William and Queen Mary, and are possess'd of a vast tract of land : Their Government consists of a Governor, Council and Assembly ; But the Governor only is appointed by H.M. without any salary, but such as the people are pleas'd to give him, and that from year to year only. The Assembly consisting of 98, are chose by the people ; and the Council consisting of 28 are chose by the Assembly. From so unequal a ballance in their Constitution, daily inconveniences occur ; and your Excellencies may perceive by the several facts mention'd in this report, that the inhabitants far from making suitable returns to H.M. for the extraordinary priviledges they enjoy by their Charter, are daily

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endeavouring to wrest the small remains of power out of the hands of the Crown, and to become independant of their Mother Kingdom. The nature of their soil and product are much the same with those of Great Britain : The inhabitants are numerous, upwards of 94,000 ; their Militia consists of 16 regiments of foot and 15 troops of horse, making in the year 1718 about 15,000 men ; And by a medium taken from the Naval Officer's account for three years, from the 24th June, 1714 to the 24th June, 1717, for the ports of Boston and Salem only, it appears that the trade of this Province annually employs no less than 3,493 sailors, and 492 ships, making 25,406 tons. Hence your Excellencys will be appriz'd of what importance, it is to H.M. service, that so powerfull a Colony should be restrain'd within the due bounds of obedience to the Crown, and be more firmly attach'd to the interest of Great Britain than they at present seem to be, which, we conceive cannot effectually be done without the interposition of the British Legislature, wherein in our humble opinion no time should be lost. [C.O. 5, 915. pp. 378-389.]

Sept. 3. **705.** Council of Trade and Plantations to the Lords Justices.
Whitehall. After we had prepared *preceding* Representation, we received your Excellencies orders of Aug. 29th (*q.v.*), upon the petition of Thos. Sandford and Anthony Sanderson *etc.* Whereupon we beg leave to inform your Excellencies, that we never do take upon us to report upon any complaint referr'd to this Board, where private persons are concern'd, without communicating to them a copy of the complaint, and allowing them a reasonable time to make their defence. But Col. Shute's Memorial relating only to matters of Government, whereby no private person is particularly affected, consisting of breaches of H.M. Prerogative and of innovations on His Royal authority, tending entirely to the subversion of H.M. Government in that Province, and committed by several Assemblies no longer in being, the proofs of which facts are verify'd by the votes of the said Assemblies, which are printed by their order, and as they say, by their votes of 20th July, 1721, for their justification ; we thought it highly incumbent upon us to lay a matter of so great importance before your Excellencys, without loss of time. But if it should be thought proper, when your Excellencys shall be pleased to take our report thereupon into your consideration ; you may indulge the Petitioners in such further time for their defence, as to your Excellencies in your great wisdom shall seem convenient. [C.O. 5, 915. 389-391.]

Sept. 3. **706.** H. Kelsall to Ahured Popple. The Lords Commissioners of H.M. Treasury desire you will move the Lords Commissioners for Trade and Plantations to deliver possession of the rooms in which their Lordships Office was lately kept to

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the Bishop of London, H.M. having been pleased to grant him the same in lieu of his lodgings at St. James's. *Signed*, H. Kelsall (in the absence of the Secrys.). *Endorsed*, Reed. 16th, Read 22nd Oct., 1723. *Addressed*. 1 p. [C.O. 388, 78. ff. 71, 72v.]

Sept. 4. **707.** Council of Trade and Plantations to the Lords Justices.
Whitehall. Recommend for confirmation Act of New York, 1719, *for running and ascertaining the lines of partition betwixt this Colony and Connecticut*, having discoursed with the agents *etc.* [C.O. 5, 1124. pp. 327, 328 ; and (rough draft) 5, 1079. No. 135.]

Sept. 4. **708.** Council of Trade and Plantations to the Lords Justices.
Whitehall. *Representation upon* petition of Col. Vetch and other officers of the Expedition against Nova Scotia for grants of land *etc.* v. 21st July, 1719. The compass of land they at first petitioned for, being pretty large, upon discourse with them, they have reduced their request to a tract, *described*. Considering the present state of Nova Scotia, where the King has very few or no subjects except the garrison of Annapolis, and some persons settled at Cape Canço, it would be very much for H.M. service to grant it, upon proper conditions. They do voluntarily oblige themselves to make a settlement on or near the River of Le Have, of 400 families, in the space of 3 years, if no war should happen in the meane while with France, and to build one or more stockaded towns *etc.* But many other conditions and restrictions will be necessary with relation to the quit-rents, cultivation, naval stores, fishery and Govt., which we shall lay before your Excellys. when you shall command us so to do. [C.O. 218, 2. pp. 35-38.]

Sept. 4. **709.** Deposition of Major Davison and Cutts Hassan that a declaration to the effect quoted July 21st, 1719, was read to the troops at Boston by order of General Nicholson. *Signed*, Cha. Davison, Cutts Hassan. *Endorsed*, Reed. Read 4th Sept., 1723. $\frac{1}{2}$ p. [C.O. 217, 4. ff. 193, 194v.]

Sept. 5. **710.** Lords Justices to the Governor of S. Carolina. *Refer*
Whitehall. *to repeal of two Acts (v. 27th Aug.), and continue* :—We do hereby enjoin, require and direct you not to give your consent on any pretence whatsoever, to any Act for encreasing of paper credit, or for altering or diverting the funds established by former Acts of Assembly there, for the gradual payment of sinking of bills issued, before H.M. re-assumed the Government of the said Province into His own hands. And also enjoin, require and direct you to propose to the Assembly, to settle effectual funds for the speedy sinking and discharging of such additional

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bills of credit as have been issued, on pretence of the Acts abovementioned during your administration *etc.* *Counter-signed*, Ch. Delafaye. *Annexed*,

710. i. Copy of Order in Council, Aug. 27, 1723. [C.O. 324, 35. pp. 45-49.]

Sept. 16.
New York.

711. Governor Burnet to the Council of Trade and Plantations. *Refers to Act passed in 1719, for ascertaining the boundaries with Connecticut etc. (v. 19th Sept.). Continues:—*Which Act was meerly to perform, what had been agreed between the two Colonys in 1683 and confirmed by King Williams order in 1700, which agreement and order had never taken its full effect, through the backwardness of the Colony of Connecticut, who never could be brought to empower Commissioners sufficiently to run and ascertain the lines according to that agreement, which were yet left unfinished. But since the aforesaid Act passed in this Province, the Colony of Connecticut apprehending that their delaying and eluding to perform their part of the agreement, would turn to a reflection on them, and that they could not hinder this Province from running the lines of division *ex parte* in case the before recited Act of this Province should obtain the Royall assent, have pretended to take measures for running the said lines by consent, but upon their overtures made to this Province on that subject, it has appeared that they seemed indeed in words to consent, but in fact made no effectual step toward it, and instead of empowering Surveyors and Commissioners to run and ascertain these lines, they went no further than to empower them to *perambulate* them, as they express it, which trifling having been represented to them from hence, it has at last produced, an Act of that Colony passed in the month of May 1723 intituled, *An Act for compleating and perfecting of the line of division between this Colony and New York etc.* In which Act they endeavour to throw the whole blame on this Province, and yet in this very Act discover their true intention, by contradicting flatly the agreement and order before mentioned, and fixing the line contrary to the same, to the vast detriment and injury of this Province. To make all which appear, the Council and Assembly of this Province have named a joint Committee to report their opinion of the said Act of Connecticut, which they have done, and made report thereof to the Council Board, who have approved the said report, by which it manifestly appears that this Act of the Colony of Connecticut is full of fallacys and misrepresentations, and does tend to defeat and elude their agreement and King William's order thereon, and to the end that your Lordships may be satisfied thereof, I have herewith transmitted authentick copys of the said report, original agreement, order of King William, and late Act of the Colony of Connecticut, with a map, to explain them, and the resolution of the Council Board of

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this Province, that the said should be laid before your Lordships, in order that the whole matter may be set in a fair light before H.M., and that thereby all obstructions intended by the Colony of Connecticut to prevent H.M. assent to the Act past in this Province in 1719, may be effectually removed. *Signed*, W. Burnet. *Endorsed*, Recd. 9th Dec., 1723, Read 10th June, 1724. 6 pp. *Enclosed*,

711. i. Minutes of Council of New York, July 15-Aug. 13, 1723, relating to the settlement of the boundaries with Connecticut, referred to in preceding. 11 pp.

711. ii. Copy of Agreement between New York and Connecticut as confirmed by K. William III. 10 pp.

711. iii. Map explaining above and the claim of Connecticut. 1 p. *The whole endorsed* as covering letter. [C.O. 5, 1053. ff. 189-191v., 192v.-205, 206v.]

Sept. 16. **712.** Attorney General to the Council of Trade and Plantations. *Reply to* 14th June, 1722 *q.v.* As the right of sending Representatives to the Assembly and the qualification of electors and elected were founded originally upon the Instructions given by the Crown to the Governour of New Jersey, and has already received alterations by different Instructions *etc.*, I am of opinion by the same reason by new Instructions H.M. may lawfully make such new establishments as to the electing, and sending Representatives to the Assembly as Mr. Burnett desires (*v.* C.S.P. 1st Aug. 1721). But if there had been any Act of Assembly, passed and approved by H.M., whereby the manner of choosing Representatives *etc.* had been fixed, that would have had a different effect, but nothing of that nature appears to me, for as to the Act said to be passed by Lord Lovelace, it being an Act contrary to the Instructions, and never approved by the Crown, seems to me voyd *etc.* *Signed*, Rob. Raymond. *Endorsed*, Recd. 18th Dec., Read 1st Oct., 1723. 2 pp. *Enclosed*,

712. i. Duplicate of 14th June, 1722.

712. ii. Extract from Governor Burnet's letter, 1st Aug. 1721. [C.O. 5, 972. ff. 75-76, 77-78v., 80v.]

Sept. 19.
Whitehall.

713. Order of the Lords Justices in Council. Upon reading representation of 4th Sept., the Act of New York for ascertaining boundaries with Connecticut is referred to a Committee of the Privy Council. *Signed*, E. Southwell. *Endorsed*, Recd. 17th, Read 18th Dec., 1723. 1 p. [C.O. 5, 1053. ff. 167, 168v.]

Sept. 23.
Towerhil.

714. Richard Harris to Mr. Popple. The people of Virginia, imitating those of Jamaica, have sent home a law for laying a duty of 40s. pr. head on all negroes imported *etc.* We find by experience such duties must be borne by the importers. All gains arising from the sale of negroes are chiefly from the freight,

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and the tax is therefore an oppression upon the navigation of the Mother Country. The former law of Virginia, laying a duty of £5 per head was such a discouragement to the traders to Africa, that they were thereby forced entirely to quit that Colony. It was obtained by overgrown planters who had negroes in abundance, to disable lesser planters, who had few, from increasing the growth of tobacco *etc.* The money arising from this duty is for the public expenses of the Colony and ought to be levied on themselves *etc.* "I question if it is not worthy of their Lordships' very mature consideration to prevent in the beginning our Colonies from laying their duties either directly or indirectly on the Trade or Navigation of Great Britain by the protection of whose Fleet and power they have had and cannot otherwise have their being and were they to account with us for the charges of their preservation 'tis not ten times what they are all worth in America could make good the same to England." *Signed*, Rd. Harris. *Endorsed*, Reed. 24th Sept., Read 12th Nov., 1723. *Addressed*. *Postmark*. 2 pp. [C.O. 5, 1319. No. 29.]

Sept. 24.
Barbados.

715. Governor Worsley to the Council of Trade and Plantations. *Acknowledges* letter of 13th June with thanks *etc.* *Refers* to letter of 16th July and enclosures following. *Continues* :—By the reading of all which, your Lordships will be able to judge of the nature of these people, but as it is very voluminous, I suppose your Lordships will not have leisure enough to peruse it, wherefore I have marked in the margin what is most material *etc.* *Encloses* Excise Act, "the duties arising from thence will but barely serve for the current expence of the year, for the payment of the matrosses *etc.*, and tho' in its title it is said, 'tis to raise money for carrying on the fortifications, yet these are in so ruinous a condition, and there is so great a want of stores, as your Lordships will see by the inclosed accounts *etc.*, that I hope they may be induced to find out some means of raising money for these uses." *Encloses* Act appointing Agents in Great Britain for the publick affairs of this Island, Minutes of Council, 24th May–7th Aug., 1723, Minutes of Court of Chancery, and Journal of Assembly, 30th July–10th Sept., 1723, and List of causes depending in the Court of Common Pleas, and correspondence between William Dalrymple, John Ashley and the Custom House Officers, "in which I have determined nothing being myself concerned in it, by having ordered the Custom-House Officers to sell the seizures in the manner as had been customary." *Encloses* list of fines *etc.* *Continues* :—I have formerly had the honour to represent to your Lordships the illegal trade that is carried on here betwixt this Island and Martinique, which will be impossible for me to prevent without a sloop of 12, or 14 guns, entirely under this Government's directions, as the French Government of

1723.

Martinique has, for the French sloops, as well as the Barbados sloops, come and hover upon our coasts and take the opportunity in the night-time of runing their commoditys on shoar, and the English often make two or three voyages to Martinique (or Sta. Lucia where they exchange their commoditys) before they enter their vessels. Your Lordships will se by the inclosed Representation of Mr. Manley the Collector at Speights, the want there is of boats, with a sufficient strength to take them, when they bring their goods on shoar: Besides the want of Officers, there being only twelve in this Island that can seize. The commoditys that they bring from Martinique are chiefly cacao, brandys, French silks, gloves, stockings *etc.*, for which we even exchange our light bills, or reales, unless the French have a want of beef, or flower which is not so frequent as formerly, since from the Northerne Colonys, they are supplied with those commoditys, as well as with horses, cattle and timber, which they exchange chiefly for sugars and malasses, and at their return destil it into rum, by which means they inrich the French Colonys and impoverish these H.M. sugar colonys, especially since they may import rum into Great Britain, much cheaper than from these parts. Martinique daily increases, and as the ground is new one negro there will cultivate it as well as two here. The vigorous effort they lately made upon Sta. Lucia sufficiently shews their intention when they are able. *Encloses* 15 Naval Office bonds, that ought to be prosecuted, for not being cancelled in due time, but as the Naval Officer says he can't be at the expence, and I am directed by my Instruction to have them prosecuted, which I can't do till I have the honour of H.M. commands whence the expence is to arrise for the said prosecution. *Signed*, Hen. Worsley. *Endorsed*, Reed. 18th, Read 29th Nov., 1723. 8 pp. *Enclosed*,

715. i. Minutes of Council of Barbados, 7th June, 1723 ff.; relating to the hearing of the charges against Samuel Cox (*v. preceding*). *Endorsed as preceding*. 96 and 289 pp.

715. ii. Memorial of John Manley, Searcher, at Speights, to Governor Worsley. Vessels from Martinique dayly stand off and on these harbours. The boat men allowed by the Crown not being regularly maintained, and the Gunner of the Leeward Forts being undetermined whether he may bring such vessels under his guns, in order to their being examined, Memorialist is unable to prevent that practice, and desires directions therein from H.E. *Signed*, J. Manley. *Endorsed*, Reed. 18th Nov., 1723. 2 $\frac{3}{4}$ pp.

715. iii. List of (15) Naval Office bonds forfeited in Barbados, which ought to be prosecuted (*v. covering letter*). *Signed*, E. Charnley, D. Nav. Offr. *Endorsed*, Reed. 18th Nov., 1723. 1 p.

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715. iv. List of fines, and forfeitures made at the Grand Sessions of Barbados, 11th–14th June, 1723. *Same endorsement.* 1 p.
715. v. Accounts of stores, forts and garrisons in Barbados, Feb., 1723. *Same endorsement.* 15 pp.
715. vi. William Dalrymple, Receiver General of H.M. Casual Revenue to [?Henry Lascelles, Collector]. Feb. 17, 172 $\frac{1}{2}$. *Objects* to order of the Judge of the Admiralty leaving it in the power of the Custom House Officer who has made a seizure to sell the King's goods himself, and not employ the proper officer at his auction *etc.* *Signed*, Wm. Dalrymple.
715. vii. Correspondence by Samuel Cox, Mr. Lascelles, John Ashley, James Hannay, H. Hall, W. Forbes, relating to procedure in above case. *Copy.* 14 $\frac{1}{4}$ pp.
715. viii. Reply of William Dalrymple and John Ashley, Deputy Auditor General, to the Custom House Officers' answer to their Representation, charging them with concealing and discharging seizures without their privity *etc.* Auditor's Office, 30th May, 1723. 7 large pp.
715. ix. Reply of Officers of Customs to preceding. 15th July, 1723. *Signed*, Henry Lascelles, Collr., and 7 others. 6 $\frac{3}{4}$ pp. *Nos.* vi–ix *endorsed*, Recd. 18th Nov., 1723. [*C.O.* 28, 17. *ff.* 334–337v., 338v.–462, 463, 464, 465–470, 471–512, 513–539, 540, 541, 541v., 543, 545v., 546, 547v., 548, 549, 550, 551–552, 553–554v., 556–563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 577v.]

Sept. 29. **716.** Petty Expenses of the Board of Trade, June 23–Sept. 29, 1723. v. *Journal of Council.* 5 pp. [*C.O.* 388, 78. *ff.* 73, 74, 77, 78, 81, 82.]

Sept. 30. **717.** David Dunbar to [?Mr. *Delafaye*]. Prays for a confirmation of a grant of lands in St. Kitts. Has been confined for 11 months in the Fleet “upon some incumbrances in the late times of infatuation,” and this would procure his liberty *etc.* *Signed*, David Dunbar. 1 p. [*C.O.* 152, 42. *No.* 127.]

Oct. 1. **718.** Account of stores of war delivered by William Forbes, Storekeeper, Barbados, 1st Oct. 1721–1723. *Signed*, Wm. Forbes. *Copy.* 1 p. [*C.O.* 28, 44. *f.* 23.]

Oct. 2. **719.** Mr. *Delafaye* to the Council of Trade and Plantations. Whitehall. Encloses following for their Report. *Signed*, Ch. *Delafaye*. *Endorsed*, Recd. 3rd Oct., Read 22nd Nov. 1723. 1 p. *Enclosed*,

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719. i. Henry Newman to the Lords Justices. The stores of war supplied by H.M. to New Hampshire in 1708(9), with the powder duty laid on ships trading thither, has by frugal management hitherto supply'd Fort William and Mary and other publick services. Accounts have been transmitted from time to time. The powder now remaining does not exceed 16 barrels. The inhabitants are absolutely depending upon the Crown, and so impoverished by a long war with the Indians that they are not capable of raising a necessary supply of stores. *Prays* for a grant out of H.M. Magazine of 300 small arms and bayonets *etc.* and 120 barrels of powder and shot in proportion *etc.* $1\frac{1}{2}$ pp.

719. ii. Copy of Order in Council. 27th Jan., 1708(9). granting a supply of stores of war to New Hampshire. $1\frac{1}{2}$ pp. [C.O. 5, 868. ff. 459, 460–461v. 464v.]

Oct. 4. **720.** Mr. Popple to Mr. West. Desires his opinion upon Whitehall. what is referred to the Council of Trade and Plantations, by Order in Council, 6th Aug., for the repeal of Jamaica Revenue Acts. [C.O. 138, 16. p. 457.]

Oct. 4. **721.** Mr. Smith to [?Lord Carteret]. After being at sea five Antigua. weeks from the Lands end, I had the good fortune to arrive safe here. General Hart I found had a little before my coming some variance with the country that ended in the dissolution of their Assembly, and his removing himself and family to St. Christophers where he now is. I dispatched Mr. Hart the letter your Lordp. did me the favour to write on my behalf and by a letter from H.E. *etc.* I believe I shall have those branches of my office restored to me which were taken from my predecessor by no other law than that of power *etc.* The great profits of my office arise when the Courts of Law are open *etc.* at present it brings me not enough to pay my expence and living and Clerks for in this country everything is 200 pr. ct. dearer than England *etc.* Begs for his protection. *Has lost* between £2 and £300 sterling in the wreck of the *Francis*, which was blown ashore in a hurricane; his wife and all on board were saved *etc.* *Continues:* The dreadful sight of this hurricane I cannot describe, but enclose a particular account of all the damage done to the shipping *etc.* *Compliments.* Signed, Wavll. Smith. *Endorsed,* Rd. Dec. 13 (N.S.) at Diepnau. 7 pp. *Enclosed,*

721. i. List of vessels drove on shore at Antigua, in a hurricane, 19th and 20th Sept. Number of ships on shore, 16; snows, 8; brigantines, 10; schooners, 3; sloops, 10. = 47, of which 20 were got off; the rest expected to be lost, 13 rode out the storm. H.M.S. *Hector* and *Winchelsea* received no damage. 2 pp. [C.O. 7, 1. Nos. 26, 26. i.]

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Oct. 8.
South
Carolina.

722. President of the Council and Speaker of the Assembly of S. Carolina to the Council of Trade and Plantations. H.E. Francis Nicholson having communicated to both Houses of the Assembly a letter from our Agent, wherein he acquaints H.E. that Mr. Shelton at a hearing before your Lordps. concerning the Act for encreasing our paper currency used many unjust invectives against the inhabitants of this Province. As also an extract of your Lordship's letter of 18th July *etc.*, they transmit to your Lordship's their proceeding thereon, to obviate the ill effects of private calumny and sinister insinuations and to convince your Lordp. that whatever we have done has been intended for H.M. interest and service and the publick good. *Signed*, Arthur Middleton, Pr., Ja. Moore, Speaker. *Endorsed*, Reed. 6th Feb., Read 29th Oct., 1724. *Addressed*. *Sealed*. 1 p. [C.O. 5, 359. ff. 47, 48v.; and (abstract) 5, 406. p. 10.]

Oct. 10.

South
Carolina,
Charles
Town.

723. Governor Nicholson to the Council of Trade and Plantations. *A short version of following*. *Signed*, Fr. Nicholson. *Endorsed*, Reed. 27th Nov., 1723. 1½ pp. [C.O. 5, 359. ff. 51, 51v., 52v.]

Oct. 10.

South
Carolina,
Charles
Town.

724. Governor Nicholson to the Council of Trade and Plantations. I have lately had the honour of receiving your Lordps. letter of July the 18th, and am heartily sorry to find that your Lordships did not approve of my sending publick papers to our Agent, *etc.* The reason of my doing so was that he knowing the affairs of this country very well he might give your Lordps. a just and full account of them. I received their Excellencies' Order for the repeal of Charles Town law and accordingly it was done by Proclamation *etc. enclosed*. When I pass any Acts here I shall according to your Lordps. order give my humble opinion of them. *Refers to enclosed duplicate of letter of 21st Aug. concerning that bill and the printing of bills, and encloses accounts and proceedings relating to the paper money etc. Continues*: The Clerks of each House are preparing Journalls of their proceedings to be sent to your Lordps. but wee are in great want of good Clerks *etc.* *Refers to other accounts enclosed including imports of iron from New England. Continues*: If that trade be suffered I suppose they will furnish all this Continent belonging to the English, as likewise the West Indies for it is not improbable they may furnish the French and Spaniards in the West Indies when they trade with them as likewise Maderas and the Western Islands and the logwood cutters in the Bay of Campecha and Hondoras. It is a very great satisfaction to me that your Lordps. approve very much of our transactions with the Commissrs. sent by the Governour of St. Augusttine, and I herewith send your Lordps. the copys of our proceedings with the Indians by which your Lordps.

1723.

will please to see what both the Spaniards and the French endeavour to do with the Indians to our great prejudice *etc.* *Encloses* letters from Col. Barnwell *etc.*, "who I expect here every day in order to have a further account of him both concerning Fort King George, Fort Moore and the Fort abuilding at the Pallachocolas," *etc.* *Returns thanks* for letter of 18th July relating to the complaints against him *etc.* I am in hopes that through your Lordships. means I may have leave to goe for Great Brittain in order to clear my selfe which I hope in God I may not only be able to do but likewise make it appear to your Lordps. the designs of some persons both in Great Brittain and here against this H.M. Government *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. 27th Jan., Read 29th Oct., 1724. *Addressed*. 2½ pp. *Enclosed*,

724. i. Governor Nicholson's Proclamation announcing the repeal of the Act *for the good Government of Charles Town*. 5th Oct. 1723. 2 pp.

724. i (b). Certificate by the Provost Marshal that the above proclamation was published by beat of drum *etc.* 5th Oct. *Signed*, Wm. Loughton, P.M. ¼ p. *The whole, endorsed as covering letter. For other enclosures see* 12th Oct. [C.O. 5, 359. ff. 49-50v., 53-54v.; and (abstract) 5, 406. p. 9.]

Oct. 12. **725.** Governor Nicholson to the Council of Trade and Plantations. *Duplicate of* letter of 10th Oct. *Signed*, Fr. Nicholson. *Endorsed*, Reed. 7th Dec., 1723, Read 29th Oct., 1724. 2 pp. *Enclosed*,

South
Carolina,
Charles
Town.

725. i. List of enclosures sent Oct. 10 and Oct. 12. *Signed*, Fr. Nicholson. *Endorsed as preceding*. ¾ p.

725. ii. Governor Nicholson's Speech to the Assembly of S. Carolina, and their reply, 2nd Oct., 1723. Has called them together to attend conference with the Upper Creek Indians and consider the Indian trade *etc.* 4 pp.

725. iii. Account of Orders on the Public Treasurer passed in Council 5th Oct., 1723. *Signed*, Wm. Timley, Cl. Con. 1 p. Nos. ii & iii. *endorsed as covering letter*.

725. iv. Col. Barnwell to Governor Nicholson. Edisto, Sept. 17, 1723. Has arrested Istawkee, a renegade Yamasee Indian who kept sculking about Port Royal, harboured by one Blakeway. Under pretence of trading with one Mr. Cullam, he has ferried over from time to time several of the outlying Pallacholas Indians, formerly of Cherekeelechee's gang that killed Duall and his company *etc.* They behaved with intolerable insolence and terrorised the inhabitants *etc.* Istowekee certainly designed mischief, and will do it if he has his liberty, for they gave out that Cheree-

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keleechec had three hatfulls of money from the Spaniards for the three scalps by him brought to St. Augustine *etc.* Signed, Jno. Barnwell. Read in the Assembly Oct. 2nd, 1723. Signed, W. Blakeway. Cl. d.c. Copy. 2 pp.

725. v. Capt. Monger to Governor Nicholson. Fort Moore, Sept., 22nd, 1723. Reports upon condition of Forts, "in tolerable good repair," and gives account of stores and requirements. "The people complain very much of their allowance which is $1\frac{1}{4}$ lb. of flour and 1 lb. of beef per day which I think too little, for a week's allowance of meat will not last them above 3 or 4 days" *etc.* Signed, Gerr. Monger. Read in the Assembly, as preceding. Copy. 1 p.

725. vi. *Same to Same.* Sept. 24th. Sends an account of the Garrison *etc.* Continues: On the 19th came the Talaposees and brought three Yamasee scalps. The Tookebatchee Captn. told me that as soon as he got home he sent for all the Headmen of the upper Towns and distributed the peices of broadcloth sent up pr. him and then gave them your Excellency's talk, which they readily received and went away six days after against the Yamasees, the Lower Creeks endeavouring to prevent them pr. making a false report that the Cherokees were discovered in the woods. The Toucobatchee with 6 more Head Warriours went thro' all the Lower Towns and gave your Excellency's talk to every one of them while their bodys marcht at some distance in the woods *etc.* The Toucobatchee Captn. complains that Thomas Jones the halfe breed made him a lyer at the Cowetaws by telling them that there was no talk to kill the Yamasees. The Lower Towns would have perswaded them not to go however they proceeded but the Yamasees having notice of their coming fled so that they cou'd meet with but a few of them. The Lower Towns seeing the Talleposees resolute to kill the Yamasees and that they had dipt their hands in their blood have all taken your Excellency's talk and gone out against them likewise some of the Stinking Lingue people and the Pallachocolas. The Tocobathee Captn. further says that the French and Spaniards are very angry with Collo. Hastings and Cusebah the former giving out they will come with a body of men and lye them because they were the occasion of the warr against the Yamasees and Spaniards which story the Spaniards had insinuated to the French. Your Excellency will have a fuller account from the Tallaposees themselves pr. Mr. Barton who comes down with them there is

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ten head men of ten of their towns with several other warriours and attendance 30 in all of which the Dog King of the Oakfuskees is one a very bold fellow and a hearty friend to the English, *etc.* *Signed as preceding.*
 $3\frac{1}{4}$ pp.

725. vii. Capt. Bellinger to Governor Nicholson. Beaufort, Aug. 31, 1723. Will send plan of the fort and of the land for the town as commanded *etc.* *Signed,* Wm. Bellinger. *Copy.* 1 p.

725. viii. Mr. Haines to Governor Nicholson. Sept. 7th, 1723. *Describes* a trading journey among the Charekees where I arrived in Feb. and found those people extraordinary courteous *etc.* *Reports* a successful encounter of some Upper Cherikees with some French Indians who were coming up the river *etc.* *Signed,* Gregory Haines. *Copy.* 1 p.

725. ix. John Woort to John Bee in Charles City. Ocheese River, 30th July, 1723. Report on trading with Indians. "I have 15 cwt. of leather. I should a had 3000, for there was a great many come to me, but I having not what they wanted you know what I mean they took all over to our neighbour. The bullets and powder they take away apace" *etc.* Has recovered two slave Indians run away from Carolina *etc.* Has received H.E.'s order forbidding any further licence for trade on Alatomaha River. The Creek Indians are very sorry for it. I told them the only reason was that H.E. had been informed that we traded with the Yamasees, which they knew was a false information *etc.* I gave Casaba the encouragement you told me I should to keep his heart straight for our Government and to follow the blow he had begun with our enemy *etc.* *Copy.* 3 pp. *Nos.* iv-ix *endorsed as covering letter.*

725. x. Account of £40,000, bills of credit. 8th Oct., 1723. *Signed,* A. Parris, Treasurer. *Endorsed as preceding.* 2 pp.

725. xi. Account of £120,000 bills of credit stamped, paid and exchanged. £40,000 paid to the Treasurer; £42,642 10s. exchanged for old bills; £10,000 ready to be exchanged; £27,357 10s. unfinished. *Signed,* T. Hepworth. 1 p.

725. xii. Minutes of Council and Assembly of S. Carolina relating to the Talleepoose (Creek) Indians now at Charles Town, 3rd-13th Oct., 1723. Presents were given to them and they were thanked for their late services against the Yamasees, the Lower Towns of the Creeks being warned that, if they had not engaged in that war, no more trade with them would have

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been allowed *etc.* In reply to Governor Nicholson, the Tallapoose Indians expressed themselves as very well pleased *etc.* 5½ pp.

725. xiii. Minutes of Council relating to the Chickesaw Indians, living at Savanah Town. 4th and 6th Sept. 1723. Presents were exchanged. The Indians asked the Governor to fix the price of goods, which he said he could not do, as they belonged to private men *etc.* 1 p.

725. xiv. Minute of Council, 24th April, 1723. Resolved, that Mr. Bee and any other Indian trader who hath the opportunity do encourage the Yamasees to come over to the English *etc.* Mr. Bee is allowed to carry with him one hogshead of rum on condition of doing his message to the Yamasees. *Mem.* Not accepted by Mr. Bee. Regulations passed as to licences for Indians traders. 3 pp. Nos. xiii, xiv *endorsed as covering letter.* [C.O. 5, 359. ff. 55, 55v., 56v.-61v., 63-65, 66, 67-71, 72, 73, 74, 75, 76, 76v., 77v., 78, 79, 80, 81, 81v.]

Oct. 14.

South
Carolina,
Charles
Town.

726. Governor Nicholson to the Council of Trade and Plantations. *Begins with* duplicate of 10th Oct. *Continues:* I thank God that now I have an accot. from all parts of the country that tho' they had very great raines the begining of Augt. *etc.* which made them fearfull of spoiling their rice Indian corn, *etc.* that they have had now one of the best harvest(s) for rice that they have known either for quality or quantity and it's supposed that some thousands of barrells may be ship't by the later end of the year. H.M. Honble. Council sent to Mr. Yonge some proceedings in the Assembly relating to the printed bills *etc.* by which your Lordships may please to see what their opinion is concerning Mr. Shelton *etc.* its commonly reported that his employers here think that he hath done more than they authorized him both concerning the town laws and that for printed bills, and several of them wish that they never had been concerned in those affairs for in my humble opinion [that] those who appeared against the said bills both here and in Great Brittain will be some of the first sufferers, but their Excelleneys' commands shall be punctually obeyed by me *etc.* P.S. As for Mr. Shelton's reflections upon me I hope in God I shall make it appear to your Lordships that they are malicious and one principal reason I suppose is that I would not make him Agent for this H.M. Province, but I hope likewise to make it appear to your Lordships that I had some reasons that it should not be done by, *Signed*, Fr. Nicholson. *Endorsed*, Reed. 7th Dec., 1723, Read 29th Oct., 1724. 2 pp. [C.O. 5, 359. ff. 82, 82v., 83v.]

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Oct. 14.
Jamaica.
Spanish
Town.

727. Governor the Duke of Portland to the Council of Trade and Plantations. *Returns thanks* for letter of 13th June. *Continues* :—The uncertainty of the ships going, sometimes one day fix'd, some times an other, as itt best sutes theire conveniency, has made itt difficult to be so punctuall as I could wish, particularly att this time, because of the Assemblys setting; which gives me full employment, and being desirous to gain time, that I might the better acquaint yr. Lordsp. with theire proceedings putts me under some sort of a hurry and surprise, but intend for the future to be allways prepar'd before hand *etc.* *Refers to enclosures.* *Signed,* Portland. *Endorsed,* Recd. 6th, Read 7th Jan., 1724. *Holograph* 1 p. *Enclosed,*

727. i. Speech of Governor the Duke of Portland to the Council and Assembly, 1st Oct., 1723. Recommends settling of Revenue and thereby obtaining H.M. consent to making their laws perpetual; provision for the public debts, Independent Companies and Island Sloop, a measure encouraging immigration, and the repair of the roads rendered impassible by the late hurricane *etc.* *Endorsed,* Recd. 6th Jan. 1724. *Printed by* M. Baldwin, 1723. 3 $\frac{3}{4}$ folio pp.

727. ii. (a) Address of the Council of Jamaica to Governor the Duke of Portland. 8th Oct., 1723. Praise the wise measures taken by H.E. to restore the publick credit of the Island, and the strict regard had to the administration of justice *etc.* (b) H.E.'s reply. *Same endorsement.* 2 pp.

727. iii. Address of the Assembly of Jamaica to Governor the Duke of Portland, 3rd Oct. Thanks for Speech (No. i) and express their entire satisfaction in the justice of his administration, and congratulate his success in restoring credit *etc.* *Signed,* William Nedham, Speaker. *Same endorsement.* 1 p.

727. iv. H.E.'s reply to preceding. $\frac{1}{2}$ p. [C.O. 137, 14. ff. 254, 255v.-257v., 258v.-259v., 260v.-262v.]

Oct. 16. **728.** Case of Lt. Governor Hope, as to his right, by his Commission as Vice-Admiral, to collect and retain the dues and perquisites of the Admiralty. With Mr. West's opinion that Mr. Dinwhiddie's patent is not consistent with the Lt. Governor's, and one of them ought to be superceded *etc.* (v. C.S.P. 9th Sept. 1722). *Signed,* Richd. West. *Endorsed,* Recd. (from Mr. Drummond). Read 13th Nov. 1723. 2 $\frac{3}{4}$ pp. [C.O. 37, 10. No. 46.]

Oct. 18. **729.** Memorandum as to Mr. Eliot's rank in the Council of Barbados. $\frac{1}{2}$ p. [C.O. 28, 39. No. 15.]

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Oct. 19.
Dover,
 at St. John's,
 N.fland.

730. Commodore H. Cayley to the Council of Trade and Plantations. *Encloses following.* Mr. John Masters and Phill. Wattson having improved a salmon fishery in several rivers in this country, which will be a very great help to the trade of Nfland if well encouraged, I therefore thought fitt to give an[d] order to them (*enclosed*) for an encouragement to their industry *etc.* I shall endeavour in a little time to give your Lordships the best answers possible to the heads of enquiry; and have to the best of my judgment taken care that they should be complied with. *Signed, T. Cayley. Endorsed, Reed. 18th, Read 19th Nov., 1723. Addressed. 1 p. Enclosed,*

730. i. Order by Commodore Cayley, *Dover*, at St. Johns, 11th Oct. 1723, that John Masters and Phill. Wattson are to be allowed to prosecute their salmon fishery on Great and Little Salmonier, Corret and Biscia Bay Rivers without hindrance or molestation, they having first improved them and built houses and warehouses for curing at no little charge *etc.* *Signed, T. Cayley. Endorsed, Reed. 18th Nov., 1723. ¾ p.*

730. ii. Scheme of the Fishery at Newfoundland for 1723. *Totals, Number of fishing ships, 144. Sack ships, 53, Ships from America, 24.=221. Burthen, 17,554. Number of men belonging to said ships, 3365. Passengers on the fishing ships, 1367. Boats kept by the fishing ships, by boatmen and inhabitants, 966. Number of hyboatmen, Masters 134; servants, 958. Quintals of fish made, 139,756; carried to foreign markets 73, 390. Tons of train oil, 801¼. Price of salmon, £2 to £2 10s. pr. ton; of fish, 13 to 15 pr. quintal; of train oil, £10 10s. to £11 pr. ton. Value of seal oil made last winter, £6025; of furs taken by the inhabitants, £780. Number of stages, 356; of trainfats, 218; of inhabitants, 3411, of which remained in the country last year, 2756. Endorsed, Reed. 18th Nov., 1723. 2 pp. [C.O. 194, 7. ff. 192, 193v.-196.]*

Oct. 22. **731.** Order of Lords Justices in Council. Referring to Whitehall. a Committee of the Privy Council the report of the Council of Trade and Plantations (4th Sept.) upon the petition of Col. Vetch *etc.* for a settlement in Nova Scotia. *Signed, E. Southwell. Endorsed, Reed. 17th, Read 18th Dec., 1723. 1 p. [C.O. 217, 4. ff. 201, 202v.]*

Oct. 23. **732.** A. Popple to Mr. West. Encloses Act of Barbados, Whitehall. 1723, to empower H.F. *to appoint any person or persons to treat and conclude with the executors and trustees of Thos. Pilgrim decd., for a new lease of Pilgrim's house and land, for his opinion thereupon in point of law. [C.O. 29, 14. p. 376.]*

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Oct. 23. **733.** Philopatris to the Council of Trade and Plantations. A scheme for stationing the men of war in the West Indies, for better securing the trade from pirates. *Signed*, Philopatris. *Endorsed*, Reed. Read 23rd Oct., 1723. *Addressed*. 4 $\frac{1}{2}$ large pp. [C.O. 323, 8. No. 42.]

Oct. 24. **734.** Order of Committee of Council. The Council of Trade
Whitehall. and Plantations are to consider and report upon two Acts of the Massachusetts Bay for raising taxes in 1722 and 1723, referred to in the petition of Thomas Richardson and Richard Partridge, praying the release of some Quakers imprisoned there for not assessing the towns of Tiverton and Dartmouth towards payment thereof. *v.* A.P.C. III. No. 51. *Signed*, Temple Stanyan. *Endorsed*, Reed. 12th, Read 14th Nov., 1723. 1 p. [C.O. 5, 868. ff. 457, 458v.]

Oct. 28. **735.** Governor and Company of H.M. English Colony of
New Haven. Connecticut in America in Genll. Court assembled to the Council of Trade and Plantations. *In reply to enquiry*, whether we are willing to resign our Charter, we have instructed our Agent to waite upon your Lordships, with our answer; and earnest desire that we may still enjoy it *etc.* *Refer to* hearing of boundary controversy by Lord Bellomont. *Conclude*: "Notwithstanding the priority of our Charter to that of Rhode Island, H.M. determination will, on our parts, put a perpetual end to the controversy," *etc.* *Signed*, pr. Order of the Genll. Assembly, Gurdon Saltonstall, Govr., Hez. Wyllys Secr. *Endorsed*, Reed. 11th May, Read 12th Aug., 1724. 1 p. [C.O. 5, 1266. ff. 143, 144v.]

Oct. 28. **736.** *Same* to Jer. Dummer Esq. Answer referred to in
N. Haven. preceding. *cf.* A.P.C. III. No. 4. *Same signatures and endorsement*. 16 pp. [C.O. 5, 1266. ff. 145-152v., 153v.]

[Nov. 1] **737.** Memorial of the Lessees of the Bahama Islands to the Lords Justices. The Lessees have made such progress in settling and fortifying the Bahamas that the greatest difficulties and expenses are overcome, there being at least 500 inhabitants and the fortifications in so good a condition that only the addition of one independent company is needed *etc.* From the numbers they have been obliged to add to the first undertakers of the work, they find themselves unable to carry on the same without being invested with powers of acting as a corporate body *etc.* *Pray for* assistance and grant of a Charter of Incorporation, or else that the islands may be taken under the protection of the Crown and memorialists allowed a reasonable consideration for their interest therein. *Endorsed*, In Mr. Delafaye's of 1st Nov., 1723. Rd. back in Lord Carteret's of $\frac{1}{2}$ $\frac{1}{2}$ Nov. 1 $\frac{1}{2}$ pp. [C.O. 23, 12. No. 83.]

1723.

Nov. 1.

Virga.

738. Lt. Governor Drysdale to the Council of Trade and Plantations. *Acknowledges* letter of 19th June *etc.* I will proceed to answer such paragraphs as relate to my future conduct *etc.* As I have not hitherto observed the Genl. Assembly assuming to themselves any new or unusuall privilidges so it shall bee my care to prevent any innovations either on the prerogative of the Crown, or the antient usage of that body. Since the merchants who are most concerned seem not to approve of the projected lighthouse, I think the Assembly will take no further stepps *etc.* What your Ldspps. are pleased to recommend in relation to the keeping upp a good correspondence with the Five Nations, will I hope bee fully answered by the inclosed Treaty concluded with those Indians last year, wherein the Tuscoruroes are comprehended. The Act passed in 1720 for the better collection of the quit-rents being not to take place without H.M. approbation, I shall endeavour when the Assembly meets again (being now prorogued to the 15th of May next) to obtain a new law conformable to your Ldsps. comands *etc.* By the death of Willm. Bassett, there is a vacancy at the Council board *etc.* With submission to your Ldspps. I have always thought itt improper for a Governour to send a list of names for members of the Councel, unless he has gain'd a perfect knowledge of the Country *etc.*, which is the reason I have hitherto delay'd *etc.* But as I have an intire perswasion of the unblemished loyalty, good understanding, and ample fortune of John Carter Esqr. present Secretary and that he is every way qualified to serve H.M. in that station, I humbly recommend him *etc.* His father is a Councillor, which may be started as an objection *etc.*, but there is scarce a qualified person in the Colony, unattended with some such like inconvenience, for they are all incorporated either in blood or marriages. But least your Ldspps. should judge such affinity as father and son too close to bee allow'd to have seats on the same bench, I take the liberty of recommending John Grimes Esq, the King's Receiver Genl. who is equally qualified, but still has a father-in-law Coll. Ludwell in the Councell *etc.* *Signed*, Hugh Drysdale. *Endorsed*, Reed. 15th., Read 21st Jan., 1723 $\frac{3}{4}$. *Holograph*. 3 pp. *Enclosed*.

738. i. Articles of Peace made and concluded at Albany with the Five Nations of Indians in behalf of Virginia by Lt. Governor Spotswood, 29th Aug.-12th Sept., 1722. *Endorsed*, Reed. 15th Jan., 1723 $\frac{3}{4}$. *Set out*, N.Y. Col. Docs. V. pp. 669-677. *Copy*. 10 pp. [C.O. 5, 1319. Nos. 40, 40. i.]

Nov. 8.

Whitehall.

739. Mr. Delafaye to the Council of Trade and Plantations. *Encloses following*. You are to lay before the Lords Justices a state of the case *etc.* *Signed*, Ch. Delafaye. *Endorsed*, Reed. 12th, Read 13th Nov., 1723. 1 p. *Enclosed*,

1723.

739. i. Extract of letter from Mr. Crawford, H.M. Resident at the Court of France, to Mr. Delafaye, Paris, 13th Nov., 1723. N.S. *Encloses following* received from M. de Morville. $\frac{1}{2}$ p.
739. ii. Declaration of Pierre de Feuil, Master of the *Phoenix*. Nantes, 9th Oct., 1723 (N.S.). On June 17th, whilst fishing in lat. 46, twelve leagues north of the Bank of Newfoundland, an English man of war of 30 guns ordered him to quit, which he was obliged to do *etc.* *Copy. French.* $\frac{3}{4}$ p.
739. iii. Declaration of André Caillard, Master of the *L'Alevis Bien-aimé*. Similar to preceding. *Copy. French.* $\frac{3}{4}$ p. [C.O. 194, 7. ff. 182, 183, 184, 185, 186v., 187v., 188v., 189v.]

Nov. 11.
Bermuda.

740. Lt. Governor Hope to Mr. Popple. *Acknowledges* letter of 25th July, with the copies of the Laws of Bermuda, which have been distributed *etc.* (v. Minutes of Council) *etc.* "The reason of my sending for them, was, that till my arrival this country believ'd that all Acts whatsoever that had been pass'd here since 1691 were in force." *Will send* accounts to the Auditor of the Plantations *etc.* Their Lordships' letter, 27th June is the first orders he has had upon that head *etc.* *Signed*, John Hope. *Endorsed*, Recd. 6th, Read 21st Jan., 172 $\frac{3}{4}$. 2 pp. *Enclosed*,

740. i. Minutes of Council of Bermuda, as to the distribution of the copies of Acts referred to above. $\frac{3}{4}$ p. [C.O. 37, 11. ff. 3, 3v., 4, 5v.; and (abstract) 37, 24. p. 17.]

Nov. 11.
Bermuda.

741. Lt. Governor Hope to the Council of Trade and Plantations. *Acknowledges* letter of 27th June, received on 21st Sept., with queries which shall be answered with all convenient speed. *Continues*:—But as the postscript is the affair of the greatest consequence *etc.*, I shall acquaint your Lordships that I found it absolutely necessary to send a copy of it to the Assembly whom I had summon'd to meet for that purpose. The result will appear in the copy of their Journals and the four Acts pass'd this meeting, here inclos'd, vizt. (i) An Act to supply the deficiency of the several funds in these Islands, and for the immediate support of the Government, and for repairing the fortifications. (ii) A second additional clause to an Act for vessels paying powder duty. (iii) An Act for the better security of all such as are lawfully possessed of any negroes, *etc.* (iv) for prolonging and making some alterations to the Act for attaching the goods of any persons inhabitants or others not residing in these Islands. The first is of that consequence, and the title of it leaves so little to be said more, that I hope it will have your Lordps.' approbation, for I must say there is no other method to be fallen upon here for raising a fund to support the Govern-

1723.

ment, but what must be a heavy burden upon the poorer sort of people. The second is to bring us more upon an equality with our neighbouring Plantations; and to make the Act itself effectual, by impow'ring the Collector thereof to measure the vessels if necessary: For it was found that swearing of them to the burthen of their vessels was but an uncertain way of knowing their dimensions. The other two Acts are very much recommended to me by the Council, as necessary for the present constitution of these Islands: and as such I recommend them to your Lordships. I shall now beg leave once more to sollicite your Lordships. for the passing of the Act *for lessening of the number of Assemblymen*, for the reasons given 20th March, as likewise to prevent this little Colony from falling under the vexation of religious differency's, which at present it is very ripe for, but may in a great measure be crush'd by the passing of this Act; for as it reduces that body to the half of the present establishment, so it will bring both parties nearer to an equality; but as the case now stands it is a little ticklish, for two thirds of the Assembly happen to be of an opinion different from what all the Councillors, and all that are in power profess. The first are zealous for Liberty (and particularly) of conscience, and the latter are for the Church; but few of either the one or the other party know anything of the reasons why they differ except the three Parsons, and the Dissenting Minister. My Lords, for my own part, I own I have a great deal of compassion for them both, and I beg your Lordships. will be pleas'd to take into consideration this Act, and that which I now send for the support of the Governmt. *etc.*, for the first time that another fund may happen to be needfull for that purpose whoever happens to be Governor of this place, must dispencc with part of his authority (which has been but too much barter'd already) or he must resolve to sit still without money to support the Governmt. or power to manage their divisions. On 2nd Sept. one Mr. Jones a merchant arrived here from London, and upon the next Council day presented me with an Order of the Lords Justices sign'd by Temple Stanyan, repealing the Act for the 5 p. cent. duty mention'd in your Lordships. letter. I don't doubt but that it is an authentick copy; but it was directed to nobody, so no manner of notice was taken of it, and it is plain that that copy has been surreptitiously obtain'd by him, by the use I find he designs to make of it. I do not find in my Instructions that I can execute any Orders, but such as are transmitted to me by H.M. Secretary of State, or by your Lordships. But it wou'd not be improper that these Orders of Council should be kept secret till such time as it is thought necessary by the proper Ministers to command them in form, for this very thing will certainly be the occasion of some disturbance here: But I shall do what I think is my duty; and I only beg of your Lordships. to support me so

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far as my behaviour is agreeable to my Instructions, and to hear what Mr. Daniel Prevereau the Agent of these Islands has to say upon this subject, which being such a ridiculous story, I did not think proper to give it a place in a letter to your Lordships. *Signed*, John Hope. *Endorsed*, Reed. 6th Jan., Read 4th Feb., 1723 $\frac{3}{4}$. 5 $\frac{1}{2}$ pp. *Enclosed*,

742. i. Journal of Assembly of Bermuda, 24th–26th Sept., 1723. *Endorsed*, Reed. 6th Jan., 1723 $\frac{3}{4}$. 5 pp. [C.O. 37, 11. ff. 8–10v., 11v.–14, 15v.; and (abstract, with notes for reply), 37, 24. pp. 17, 18.]

Nov. 11.
Bermuda.

742. Lt. Governor Hope to Lord Carteret. *Encloses* copy of preceding letter and papers etc. *Concludes*:—As the last paragraph of my letter is an affair which I presume falls more immediately under the province of H.M. Secretary of State so I beg your Lordship to let me have your orders for my conduct in such cases for the future. *Signed*, John Hope. *Endorsed*, R. Feb. 26th, 1723 $\frac{3}{4}$. 1 p. *Enclosed*,

742. i. Duplicate of preceding letter to C. of T. [C.O. 37, 28. Nos. 18, 18. i.]

Nov. 12.
So. Carolina,
Charles
Town.

743. Governor Nicholson to the Council of Trade and Plantations. *Encloses* duplicates of Oct. 10 and 14th, and Journals of both Houses 1st–5th Oct. etc. *Continues*: We having not recd. their Excellencies the Lords Justices repeal of the paper money law they desired to adjourn from Saturday ninth til to-morrow being Wednesday etc. Having not seen the petition to your Lordships about the said bills I will not presume to say much concerning them but upon the report of their being to be destroyed the people are very much alarmed and all trade in danger of being stopt, even some of the few discontented persons here against H.M. Governmt. are concerned about the repeal and say that those they employed in England went beyond their commission and 'tis reported here that they raised £2500 of this country money to be sent to their Agents in England a principal part of which I suppose Esq. Shelton hath gott and then it may be that it will appear that he's the cheat and not I. 'Tis supposed that amongst the laws I have past here he is (in his heart) the most against the first three vizt. for recognizing H.M., the tranquillity act and the tax act which were in order to establish H.M. most just title and sovereignty of this his Province and to keep it in peace and quietness which his the said Shelton's few factious correspondants here would endeavour all they could to oppose and they have lately endeavoured to gett this Assembly dissol'd in order to put the country into confusion but as they have hitherto failed in their wicked and malicious designes so I hope in God they will always be disappointed and receive no countenance in Great Britain. Here is an accot. that one Mr.

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Stephen Goddin (as report goes lately compounded for five shillings in the pound) who reports he hath several thousand pounds owing to him in this country (the truth of which is much question'd) and that his brother Benja. Goddin and Mr. Benja. De la Conscillere here are his correspondents if he is wronged it must be by them, this person they say was one of the principal opposers of the mony bill as likewise one Jacob Satur who sett's up for a very great merchant but his contrary charracter is very well known here as likewise his brother who they say owes more than he is worth and if Jacob hath any estate he hath gotten it here for when he came he was very poor and 'tis much wondred at here that the man should pretend to sett up for a Statsmen and to give accot. of this H.M. Province and all this of a suddain when his weak abillitys are so well known here but it's supposed the man hath entred into partnership with few of the discontented and factious here. *Returns thanks* for letting Mr. Yonge have a copy of the Bahama Company's Memorial. *Continues*: If I have acted arbitrarily or illegally with submission I think I ought to be tryed at the King's Bench Barr where I hope by the Divine assistance to be able not only to clear myself but also to make it appear how the Bahama Company have been imposed on and if the sd. Compa. have employed knaves and fooles both in Great Brittain and the Islands, I hope I am not to make them reparation for those men's villany. If they have procured any affidavitts agt. me they were taken ex parte especially those here. What I did in those affairs I thought myself obliged to by the oath I took to see the Acts of Trade and Navigation put in suit and I hope that Company (tho' never so great) can't expect that I should forswear myself for them. It is reported that one Esq. Samuel Buck makes it his business to goe up and down in Coffee Houses to exclaim against my proceedings *etc.* but I have heard that his charracter is not so great in the City of London where he lives as to be made an Alderman and it is reported that once there was a Statute of Bankrupt against him. I think I know some reasons why he should endeavour to gett me turned out of my Governmt., but am sure that no person living could have lawfully done more than I have for the security of the Bahama Islands knowing what great interest it is to Great Brittain and to all H.M. Dominions in America to have those Islands well peopled and secured by fortifications *etc.* and a lawfull trade managed there, why does not Mr. Buck charge me with all the loss they have meet with in those Islands both with respect to vessells and trade some time or other I may chance to sett the affair of the Bahama Compa. in a true light and then lett all the world judge who are the true friends to the legall trade of Great Brittain and who are the actors and encouragers of the contrary *etc.* P.S. *Encloses* Treasurer's accounts. *Continues*: I was sworne out of my Governmt. of Virginia by some perjured

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persons and lyed out of that [of] Nova Scotia both which I am able to prove when a fitt opportunity presents and I find that for the like wicked methods some persons have endeavoured to turn me out of this which if they should prevail to do I hope in God I shall not be debarred the benefitts of the laws of my native country to prove the innoceny of. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 8th Jan., Read 29th Oct., 1724. 3½ pp. *Enclosed*,

743. i. List of following enclosures. *Signed and endorsed as preceding*. 1 p.

743. ii. (a) Governor Nicholson's Speech to the Assembly of S. Carolina, 7th Nov., 1712, with their reply, 8th Nov. (b) Duplicate of No. 725 ii. *The whole endorsed as preceding*. 6 pp.

743. iii. Duplicate of No. 725 i.

743. iv, v. Duplicates of No. 725 x, xi.

743. vi. Duplicate of No. 725 iii. [C.O. 5, 359. ff. 84-89v., 90v.-92v., 93v.-94v. ; and (abstract) 5, 406. p. 9.]

Nov. 12. **744.** Governor Nicholson to Lord Carteret. This is designed (God willing) by ye Honble. Collo. Robert Johnson, so very well known to your Lordship *etc.* *Refers* to former letters relating to affairs relating to his Lordship as Palatine and others the Lords Proprietors (v. 14th Jan., 1722). *Continues* :—I am heartily sorry to find that your Lordp. were not pleased that I should have H.M. Royall leave to goe for Great Brittain for six months but now Collo. Johnson goes *etc.* I hope your Lordp. will be pleased that, that lyeence may be granted me and when please God I arive in London I shal not fail of paying my duty to your Lordp. and if you don't think proper of my returning hither I shall do as your Lordp. shall please to order *etc.* P.S. I have just now writ to ye Lords Commrs. for Trade *etc.* Mr. Yonge will wait upon your Lordp. to give an accot. of our affairs being so writt to by, *Signed*, Fr. Nicholson. *Endorsed*, Rd. 6th Jan., 1724. 1¼ pp. [C.O. 5, 387. No. 40.]

Nov. 12. **745.** Mr. Popple to Mr. West. Enclases, for his opinion Whitehall. in point of law, Act of Virginia *for improving the staple of tobacco etc.* [C.O. 5, 1365. p. 256.]

Nov. 12. **746.** Mr. Popple to Mr. Shelton. *Presses* for reply to letter Whitehall. of 29th Aug. 1717, relating to boundary dispute between Virginia and N. Carolina. [C.O. 5, 1365. p. 257.]

Nov. 14. **747.** Mr. Popple to Mr. West. Enclases Act of the Massa- Whitehall. chusets Bay, 1722, *for apportioning and assessing a tax*, for his opinion in point of law as soon as may be *etc.* [C.O. 5, 915. pp. 391, 392.]

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Nov. 14. **748.** Council of Trade and Plantations to the Lords Committee of Council. *Reply to 14th Aug.* Enclose copies of Lt. Gov. Hope's letter and Col. Bennett's affidavit relating to Thomas Brookes. [C.O. 38, 8. pp. 5, 6.]

Nov. 14. **749.** A. Popple to Mr. Burchett. Encloses copy of Mr. Delafaye's letter, 8th Nov., and enquires whether the Admiralty have received any account of that matter. [C.O. 195, 7. p. 97.]

Nov. 15. **750.** Mr. Burchett to Mr. Popple. *Reply to preceding.* Their Lordships have received no account of the abovesaid matter etc. Signed, J. Burchett. Endorsed, Reed. 18th, Read 19th Nov., 1723. Addressed. $\frac{1}{2}$ p. [C.O. 194, 7. ff. 190, 191v.]

Nov. 15. **751.** Governor Nicholson to the Council of Trade and Plantations. The ships being not yet sailed, *encloses following, and repeats part of Nov. 12th.* Signed, Fr. Nicholson. Endorsed, Reed. 8th Jan., Read 29th Oct., 1724. 1 p. Enclosed,

751. i. List of following enclosures. Signed and endorsed as preceding. 1 p.

751. ii. Duplicate of No. 743 i.

751. iii. Job Rothmahler to Governor Nicholson. At the Carolina Coffee House, 28th Sept., Jacob Satur read to some gentlemen a repeal of the last money bill, then directing himself to me smiled and said this will goe over in the vessel with you etc. Signed, Job Rothmahler. Endorsed as covering letter. Copy. 1 p.

751. iv. Minutes of Council and Assembly, S. Carolina, Nov. 15, 1723. The Assembly addressed H.E. asking to be adjourned until Dec. 2nd, it not being proper to proceed on any more business until the repeal comes. (v. No. iii) etc. Copy. Certified, Wm. Timley, Cl. Cone. Same endorsement. 1 p.

751. v. Duplicate of No. 725 x. [C.O. 5, 359. ff. 95, 96v.-98v., 99v.-102v.; and (abstract) 5, 406. p. 7.]

Nov. 15. **752.** Council and Assembly of South Carolina to the S. Carolina. Council of Trade and Plantations. It is with very great concern that we have been informed from Mr. Yonge that the bill for recoinning the paper currency is repeal'd etc., by which an intire stop will be put to the whole currency of this Province, be of the worst consequence to trade, and throw us into the utmost confusion etc. Such a repeal must be grounded on representations of persons in Great Britain, who cannot be acquainted with the neecessitys and emergeneys of Government, which have occasioned the stamping of those bills. Had we been further heard by your Lordships, the repeal had never happened etc. If it has passed the Lords Justices etc. pray the Board to intercede

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to H.M. for its reconsideration. We shall take effectual care to pass such laws, as shall sink those bills in proper time, and put the currency upon such a footing, as shall not be disagreeable to the trading interest in Great Britain *etc.* We are further informed by our Agent that application is making, that all debts contracted in the American Plantations, shall be paid in Proclamation money, this step would inevitably ruin the Province, and would much more affect us than any Plantation in H.M. Territorys, since we are under the misfortune to give vast advance upon the merchts.' goods, at sometimes 900 and sometimes 1000 pr. ct. advance, upon the prime cost, and if those debts were to be paid in Proclamation money, the whole estates of such persons in debt would not satisfy their creditors. We are under no surprize that the merchants in London should endeavour to procure such an order, since their estates must be greatly increas'd, altho' it be at the expence and ruin of many poor familys here *etc.* Their application for this unhappy repeal is a preparatory introduction to such a destructive order. A repeal of the Plantation laws may be of fatal consequence to such Colonys as fall under that misfortune, without being first heard, therefore if we could meritt so great a favour of your Lordps. as to be allowed to give our reasons for passing such laws before any repeal passes, we should be highly indebted to your Lordps. justice and goodness, and we shall never pass any that we judge shall be prejudicial to trade in general, to the interest of Great Britain or to private persons. It is undoubtedly the right of every English subject to complain whenever he finds himself agrieved, and could we be favour'd with the names of the complainants, we should be enabled to informe your Lordps. whether those persons have any reason for such complaint. *Signed*, By order of Council in Assembly, Ar. Middleton, P. ; In the Lower house of Assembly, Ja. Moore, Speaker. *Endorsed*, Reed. 6th Feb., Read 29th Oct., 1724. 3 pp. [C.O. 5, 359. ff. 103-104v. ; and (abstract) 5, 406. p. 11.]

Nov. 19. **753.** Mr. Popple to Mr. West. Encloses, for his opinion
Whitehall. in point of law, Act of Virginia *for laying a duty on liquors and slaves*. [C.O. 5, 1365. p. 258.]

Nov. 24. **754.** Governor Worsley to the Council of Trade and Plan-
Barbados. tations. Pursuant to H.M. Order in Council of 13th Aug., 1722, I have heard the complaint of Sir Richard Davers *etc.* against four Members of Council *etc.*, and as the complainants offered nothing to make good their charge but what was in the Minutes of Council, I determined as (*encl. No. 1*). I have also heard Bernard Cook's petition *etc.* (v. 17th May, 1722 and *encl. No. ii*). *Encloses* (i) *Act to prevent the dangers which may happen to the inhabitants of this Island, from contagious distempers, brought here by ships, or other vessels*, (ii) *Act enlarging*

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the time of 24 hours, allowed by a former Act, to persons claiming suggars, mollasses, rum, cotton, and ginger seized by the Treasurer, to three whole days, to prove that the goods so seized are the natural product of some of H.M. Collonys, and (iii) An Act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath, and for granting them such forms of affirmation, and declaration, as may remove the difficultys many of them lye under. Your Lordships will also find two depositions, concerning several persons taken by pirats, and forced into their service. And an Address of the General Assembly to me, complaining of my Secretary's detaining the orriginal wills, which I ordered him to do, it being the custom in England; and to prevent the dayly inconvenieneys that arrise from the loss of original wills; The answer I gave to the Members of the Assembly that brought it me, was, that I had done it for the publick good, that I would represent it to H.M., and that as they complained of an extraordinary charge, which my Secretary tells me may be about £20 a year, I would pay it for all those that desired it, till I had had the honour of receiving H.M. commands thereupon. *Signed, Henry Worsley. Endorsed, Recd. 6th, Read 7th Jan., 172 $\frac{3}{4}$. 4 pp. Enclosed,*

754. i. Governor Worsley to Sir Robt. (*sic*) Davers, William and John Walker, and Abel Alleyne. *Dismisses* their petition against John Frere, Thomas Maycock, Guy Ball and Willm. Clarke, Members of H.M. Council. *Observes* that petitioners shewed a disposition to drop their petition, until required by the Governor's Proclamation to make good their complaint. "It has been proved by the Minutes that the Councillors complained of did give their consent to several Acts of Government which Mr. Lowther was censured for, but as it does not appear that they abetted Mr. Lowther in his proceedings, or acted by their so assenting in disobedience to H.M. commands, or contrary to their best advice and counsel, and as Counsellors enjoy in Council freedom of debate, and vote in all affairs of publick concerne, I do not find they were guilty of any crime by their so voteing and counselling" etc. *Endorsed, Recd. 6th Jan., 172 $\frac{3}{4}$. Copy. 1 $\frac{1}{2}$ pp.*

754. ii. Copy of proceedings upon Bernard Cooke's petition, 26th Aug. *ff.*, 1723. Complainant being unable to make good his complaint, as his Council agreed, it was dismissed after a full hearing. *Endorsed as preceding. 25 $\frac{1}{2}$ pp.*

754. iii. Deposition of George Barrow, Master of the sloop *Content*, and John Jackson, a passenger. Bound from Boston to Barbados, they were captured by a pirate schooner on 27th Oct., about 12 leagues to windward of Barbados, and carried to Tobago, where the pirates

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plundered their sloop, and forced their mate, John Masters, into their service contrary to his inclinations. 8th Nov. 1723. *Signed*, George Barrow, John Jackson. *Copy*. 2 pp.

754. iv. Deposition of John Wickstead, Master of the ship *Prince's*, Gould St. Blowers, second-mate, John Crawford, surgeon, and Benjamin Flint. A pirate sloop, commanded by George Lowther, seized and plundered their ship, 8th Sept., placing lighted matches between the fingers of Blowers and Crawford to make them discover where the gold was. They detained by force William Gibbons, surgeons mate, and James Sedgwick, carpenters mate, but *five others* went voluntarily *etc*. 18th Sept., 1723. *Signed*, Jno. Wickstead, Gould St. Blowers, Jno. Crawford, Benja. Flint. *Nos.* iii, iv *endorsed*, Recd. 6th Jan., 172 $\frac{3}{4}$. *Copy*. 3 pp.

754. v. Address of the Assembly of Barbados to Governor Worsley. *Pray that* the originals of wills, after they have been proved, may, according to the ancient practice, be returned to the persons who produced them, the new regulation of detaining them in the Secretary's Office involving executors in the expense of attested copies. Original wills may be as safely kept in the hands of Executors, as in the Secretary's Office, which is frequently removed, and passes through many hands *etc*. 14th Nov., 1723. *Signed*, Robt. Warren, Clerk of the Assembly. *Endorsed*, Recd. 6th Jan., 172 $\frac{3}{4}$. 1 p. [*C.O.* 28, 18. *ff.* 1-2v., 3v.-4v., 5v., 7-19v., 21v.-24, 25v., 26, 27v.]

Nov. 25. **755.** Governor Worsley to Lord Carteret. *Duplicate of*
Barbados. *preceding covering letter*. *Endorsed*, R. March 12, 172 $\frac{3}{4}$. 5 pp.
Enclosed,

755. i. Account of stores of war, Barbados, 1723. *Signed*, Sam Wadeson. *Copy*. 1 p. [*C.O.* 28, 44. *Nos.* 64, 64. i.]

Nov. 25. **756.** Mr. Willard to Mr. Popple. *Acknowledges* letter of
Boston in 4th July. "The extream hast in which I am forced to do every
N. England. thing (I suppose) occasion'd my omitting the date of my letter
etc. I have sent under cover" to Governor Shute Acts and
Minutes of Council and Assembly for half yeare ending 31st
Aug. *etc*. *Signed*, Josiah Willard. *Endorsed*, Recd. 6th Jan.,
Read 3rd Sept., 1724. $\frac{3}{4}$ p. [*C.O.* 5, 869. *ff.* 60, 61v.]

[Nov. 25.] **757.** Treasurer's Accounts of H.M. Revenue of Massachu-
setts Bay, referred to in preceding. *Endorsed*, Recd. from Col.
Shute, Feb. 6, 172 $\frac{3}{4}$. 58 pp. [*C.O.* 5, 869. *ff.* 156-187v.]

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Nov. 25.
Whitehall.

758. Mr. Delafaye to the Council of Trade and Plantations. *Encloses following.* You are to lay before the Lords Justices a state of the case *etc.* *Signed,* Ch. Delafaye. *Endorsed,* Reed. Read 26th Nov. 1723. 1 p. *Enclosed,*

758. i. M. Chammorel, the French Secretary, to [*?Secretary of State*] London, $\frac{2}{3}$ Nov., 1723. Encloses following and asks that orders may be given to atone for such violence, which can neither be tolerated nor excused, and to prevent any repetition of it. *Signed,* Chammorel. *Copy. French.* $\frac{3}{4}$ p.

758. ii. Deposition of Estienne le Roy, Master of the *St. René* de Pornic, 19th Oct., 1723. On 15th June, an English man of war of 28 guns ordered him to leave his fishing station on the Bank of Newfoundland, and fired a shot at him. Deponent returned to the Bank later without seeing her again. *Copy. French.* $\frac{3}{4}$ p. [*C.O.* 194, 7. ff. 197, 198, 199, 202v.]

Nov. 26.
Whitehall.

759. Council of Trade and Plantations to the Lords Justices. *Reply to* Nov. 8. The Admiralty have received no account of that matter from the Commodore on the Newfoundland station, and he being not yet returned, we must await his arrival *etc.* [*C.O.* 195, 7. pp. 99, 100.]

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760. Mr. West to the Council of Trade and Plantations. I have been attended by all the parties concerned *etc.*, and have no objection to the Act of Jamaica *to enable the trustees of William and Charles Bowles, etc.* *Signed,* Richd. West. *Endorsed,* Reed. 27th Nov., Read 5th Dec. 1723. $\frac{3}{4}$ p. [*C.O.* 137, 14. ff. 252, 253v.]

Nov. 26.

761. *Same to Same.* *Report upon* Acts of New York, 1722. The intention of the Act *for the more effectually prohibiting of the selling Indian goods to the French* is just and reasonable, yet the means proposed are not proper to be passed into law, since they do not only impose a penalty upon the persons offending, but impower a great many persons particularly mentioned in the Act to administer a certain form of an oath therein mentioned at large to any persons whom any one of the said officers shall suspect of carrying on any trade with the French, and I think it very extraordinary that no previous accusation upon oath or otherwise of the party supposed to be guilty is made necessary before the administration of the oath, but it is left entirely to the discretion, ill will or malice of the persons who are impowered to administer the same. The oath seems to be exactly the same with the oath *ex officio.* By which the parties are obliged either to accuse themselves (which is unjust) or else to be under the greatest temptation of perjury *etc.* Any person refusing to

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take the oath is ipso facto to be adjudged convict of having traded with the subjects of the French King, and be immediately committed to the common goal until he has paid the penalty of £100 *etc.*

Apart from one or two minor defects has no objection to the other laws, but observes that, several refer to other Acts formerly passed in the same Province, "which I suppose have been confirmed by the Crown, and therefore I submit to your Lordships whether any acts passed in the West Indies referring to any former laws ought not to mention in their recitealls whether they have or have not been confirmed, since otherwise it may sometimes happen that an act may by such a reference be revived or continued in force which at first was perhaps not thought fitt to be passed into law." Signed, Richd. West. Endorsed, Reed. 27th Nov., 1723. Read 5th May, 1725. 5 pp. [C.O. 5, 1053. ff. 318-320, 321v.]

Nov. 27. **762.** Petition of the Mayor and other inhabitants of Philadelphia to the House of Representatives of Pennsylvania. Petitioners being informed that an Act is about to be passed for emitting £30,000 more of paper currency, *pray that* a proviso may be added excepting all sums due to the King, the Proprietary, H.M. subjects in Great Britain and to orphans and minors, and that all such debts be paid in sterling *etc.* Signed, Clement Plumsted, Isaac Norris, Robert Asheton, Hugh Graham, Israel Pemberton, Geo. McCall, Samuell Hassell, John Moor, Wm. Allen, Geo. Claypoole. *Overleaf,*

762. i. The above petition was read but not taken further notice of, *etc.* Signed, Clemt. Plumsted, Mayor. 27th Dec., 1723. Endorsed, Reed. (from Mr. Gee) 29th March, Read 26th April, 1726. Copy. 1½ pp. [C.O. 5, 1266. ff. 208, 208v.]

Nov. 27. **763.** A. Popple to Mr. Burchett. *Encloses* copy of letter from Mr. Chamorel (v. Nov. 25) and enquires whether the Admiralty have received any account of that matter. If not, the Council of Trade and Plantations desire to speak with the Commodore of the Newfoundland Convoy on his return *etc.* [C.O. 195, 7. pp. 100, 101.]

Nov. 27. **764.** *Same* to Rev. Mr. Gordon. *Reply* to 8th July. I am to desire you will let me have by the first opportunity what you may have to offer in relation to the Act of Jamaica referred to (for resettling *Pero Plantation*) *etc.* [C.O. 138, 16. pp. 458, 459.]

Nov. 27. **765.** *Same* to ——— Banks. Asks what he has to offer against Mr. Gordon's claim (v. preceding and 8th July). [C.O. 138, 16. p. 460.]

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Nov. 28. **766.** Governor Philipps to the Councel of Trade and Plantations. *Encloses following*, "the Session of Parliament approaching when I hope that by the meanes of your Lordships representation, some steps will be made toward the security and settlement of that country," *etc.* Signed, R. Philipps. *Endorsed*, Recd. 29th Nov., Read 17th Dec., 1723. 2 pp. *Enclosed*,

766. i. *Same to Same.* Report upon the situation and state of H.M. Province of Nova Scotia. That Province is situated in the Latitude of 45 degrees, having on the West New England, on the North and N.Et. the River of Canada, on the East, Cape Breton, and is bounded on the South by the ocean. The soil is generally rich, exceeding that of New England and productive of all kinds of necessaries for life, and materials for naval stores. Its coasts abound with cod fish, herring and mackerel, and the rivers with salmon. The extent is computed to be 300 leagues *etc.* Upon the isthmus (which joins the East and West parts of the Province and is in breadth six to twelve leagues) most of the French inhabitants have their settlements. These are divided into four Colonies, in number about 500 families, besides another settlement of 100 families about Anapolis Royal. *Describes* fort and garrison of Anapolis Royal, (five companies amounting to 200 men, and 10 or 12 English families), and the country to Cape Sables, and thence to Canso, which "will infallibly, if encouraged with the protection of the Government become the most considerable of any port in America" *etc.* On the North side of Canso Harbour is the Bay of Shedeboveto, so call'd from the harbour which lies in the bosom of the same, which from being extreemly beautiful and pleasant, has lately obtain'd the name of Milford Haven. Here is a most agreeable situation for a settlement, convenient for building of vessels, on the banks whereof all such materials are to be found in great plenty, *etc.* *Describes* Gut of Canso, or the passage of Fronsac, from which one enters another small bay, in the bottom of which is the general rendezvous of the Indians at certain seasons, and the residence of their Missionary, where he has a chappel richly furnish'd in a delightfull country. The point of land which forms this Bay to the Northward is call'd Cape St. Lewis, which when weather'd, a westerly course leads along the coast into Bay Vert. By this way, those French inhabitants [*of the Isthmus*] drive a clandestine trade with Cape Breton, wither they convey most of the yearly produce of chattle and corn, in exchange for the manufactures

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of France. In this Bay lies the large Island of St. John's, which is now settling with inhabitants transported from Old France, tho' their title to it when examin'd by the Treaty, will be found precarious. What is further wanting to a perfect description of the East Division, usefull to Mariners, is an exact survey of the several harbours and bearings of land to direct their entrance, which is a work in hand and had been now near finish'd, had it not been diverted by the breaking out of the Indians *etc.* The coast of the West division of the Province from the Bay of Fundy to the confines of New England having never been survey'd, and known only by a few sloops, trading between Boston and Anapolis Royal, any discription thereof will be imperfect, nor will it be very material till the East Division shall be first settled, which is better situated for trade : only thus far it is known, to have many good harbours, and quantities of good timber in many parts, particularly of masting for the largest ships, which growing near the water, may be furnished to the Navy vastly cheaper than what are now brought from New England.

The present state of the Province stands thus vizt. The French who are settled on the Isthmus and the River of Anapolis Royal are the old inhabitants greatly multiply'd since the surrender of the Province, at which time it was stipulated in their behalf, to have their choice either to remain if they would transfer their allegiance, or to dispose of their estates and effects *etc.* To determine which, one year's time was allow'd them but at the expiration thereof finding their new masters in no condition to oblige them to the observance of one or the other, they have remain'd upon their possessions in contempt of the Government, waiting the opportunity of a rupture between the two Crowns to re-establish their former Government, and in the mean time are dayly, in secret, inciting the Indians to robbery and murder, to the destruction of trade and hindrance of settling the country. They are seated on a fertile soil, and raise great store of corn and cattle, with which, and their furs, they traffiek at pleasure with the neighbouring French Colonies at Cape Breton, and Islands St. Johns, and have refused supplies to the Garrisons in the greatest necessity. The Fort of Annapolis Royal is quite gone to decay, more than one third of the ramparts being at this time level with the ground, and the garrison exposed to the danger of being surprised by the enemy

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without, and of being buried in the ruins of their barracks within. A thorough repair thereof is, by no means, advisable, in regard that a new fort of a smaller dimension may be built at less expence *etc.* Canso has no other defence but what the Governour has made at his own charge *etc.* It being part of the Governour's Instructions, that no land shall be given away *etc.* till by a general survey a certain number of aeres of the best wood lands be mark'd out for H.M. service. The settling that Province cannot commence before that commission be executed *etc.* Another very unhappy circumstance, is from the want of ways and means, for raising the least supply (tho' it were but a shilling) and the safety of the Government depended upon it, in which case, the person intrusted with the administration must, thro' necessity, be inactive, or if he disburses his own money, or pawns his credit in the service, he becomes an unthank'd solicitor.

Remedies proposed. (i) That a Fort be built on the Isthmus to cut of the communication between our French inhabitants and the neighbouring French Colonies, which will subject them at all times to obedience, and is humbly presumed to be better policy than by driving them out to strengthen the French Colonies *etc.*, or that fort will be a sufficient protection to such of H.M. subjects as shal settle in their room: and in either case, the expence may be made good, by raising a tax on the people, if they stay; or selling their improved lands if they remove. (ii) That a Fort be built at Canso, both for a frontier post against Cape Breton, where the French are making themselves exceedingly strong, and a protection to that Fishery, which has already paid the charge it will cost in the returns home of the fish exported these last three years from thence. (iii) The fort at Anapolis Royal to be new built, but lessen'd to contain half the present garrison. 200 men will be needed for the fort on the Isthmus, 200 for Canso and 100 for Anapolis Royal, of which the 9 companies now there make 360 *etc.* (iv) That a Surveyor be commission'd *etc.* (v) That a provision, by way of contingent money, may be appropriated, as to other Governments, for necessary services, till such time as the Province shall be able to raise funds within itself for its own support, *etc.* Asks for payment of disbursements already made, particularly, the charge of building a vessel for the Government *etc.* Signed, R. Philipps. 11 pp. [C.O. 217, 4. ff. 195-200, 203, 203v., 204v.]

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[Nov. 28.]

767. The Case of the Proprietors of South Carolina. The present Governours are, Lord Carteret, Palatine, Duke of Beaufort, Lord Craven, Mr. Ashley, Mr. Bertie, Sir Jno. Colleton, Mr. Danson, Mr. Blake, They have been in quiet possession of this Colony from 1660 to 1720 continually appointing the Governours and all other officers, *etc.* About 1720 there being then very great arrears of quit rent due to the Proprietors, some of the most turbulent and inferiour inhabitants to avoid the payment of those rents took upon them to caball together, and rise in rebellion, and by force turned out their Governour *etc.* Those who took possession of the Government sent a representation to the King in Council, at a time when Lord Carteret the Palatine was in H.M. service in Sweden, but in his absence the rest of the Proprietors applyed to be heard, it being then insinuated they had forfeited their Charter, and severall idle, frivolous and groundless suggestions were, on behalf of the rebels, insisted upon, tho' not any one of them at that time or since have been made appear to be true, nor was there the least foundation for such complaints. Pending this matter it was thought necessary that the King should appoint Mr. Nicholson as a provisionall Governour in order to have a true inquiry made into the state of affairs in that Province. The Governour upon his arrivall there, instead of applying himself to know the true state of the case between the Proprietors and the People, entered upon and executed his Government in the most arbitrary and injurious manner, not only with respect to the Proprietors, but to all the inhabitants and traders to that Province; First, by altering the method of the Assembly, and turning the principal inhabitants out of the Councell, by committing the cheif Officer and others of H.M. Customes and many of his good subjects to prison, and setting upon them unreasonable fines, only for not joining with him in his unwarrantable proceedings, by which some lost their lives, by preventing great numbers of letters to merchants, and principall inhabitants there, from being delivered, till he had first perus'd them, and the like practice upon letters sent from them, and among other letters directed by the officers of the Admiralty and Customes there, to their principalls here. By creating a new Corporation, and setting up a paper credit to the value of £57,000, and compelling the merchants and traders to accept their debts in that specie, when they were more than 60 per cent. discount and by removing the old Courts of Justice and setting up new ones never before heard off, and by many other acts of violence and oppression, which have been condemned there by the Lords, the Lords Commrs. of Trade, and complained off by the Lords of the Admiralty and Commrs. of the Customes. Matters being under this seituation the Proprietors applyed to Lord Carteret, Secretary of State, to be redressed, not only with respect to their own properties, but also for the ease of the

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inhabitants, which the Proprietors are ready to make easy in every particular, many of them having represented that they must leave the country, if this Governour is not recalled and their injurys redressed, by which means the Province will be depopulated and consequently H.M. Customes entirely lost, which at present are reputed to be £50,000 pr. ann. But my Lord Carterett's engagement in the more weighty affairs of his office prevented him while in England to think of measures proper for this occasion. And since he was at Hannover, the Duke of Beaufort, Lord Craven, Mr. Ashley, Mr. Bertie and Sr. John Colleton in the most respectfull manner writt to his Lordshipp to remind him of these grievances, but they have not yet had the honour of any answer, tho' it is publickly talked of by the persons trading to that Province, that the Governour declares his earnest desire to be called home, and it is publickly talked of by severall Gentlemen that are applying to succeed him. The Proprietors therefore, in absence of Lord Carteret, humbly lay this case before the present Secretary of State residing in England *etc.* *Urge* recalling of present Governour "and giving the Proprietors opportunity to clear themselves of the charges made against them by allowing them the liberty, which they have enjoyed for sixty years past, of nominating a Governour" *etc.* *Endorsed*, In Mr. Bertie's to Mr. Walpole of Nov. 28. Rd. of Ld. Carteret, Jan. 6th. 1 $\frac{3}{4}$ pp. [C.O. 5, 387. No. 41.]

Nov. 29. **768.** A. Popple to Mr. West. Encloses Act of Barbados, Whitehall. 1723, for *laying a duty on wines etc. imported etc.*, for his opinion thereupon in point of law. [C.O. 29, 14. pp. 379.]

Nov. 30. **769.** *Same to Same.* Encloses, for his opinion in point of Whitehall. law, 34 Acts passed in Virginia, 1720, 1722 and 1723 (*enumerated*). [C.O. 5, 1365. pp. 258-264.]

Nov. 30. **770.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to* letter of Feb. 14. We are of opinion that by the [*New Jersey*] Charter (*v.* C.S.P. 12th Dec., 1722) only the base mines passed to the Grantees, and the words of the grant are not sufficient to carry Royal mines, the property whereof still remains in the Crown *etc.* But we have not heard the Proprietors upon the subject *etc.* *Signed*, Rob. Raymond, P. Yorke. *Endorsed*, Recd. 3rd Dec., 1723, Read 2nd July, 1724. 1 $\frac{1}{2}$ pp. *Enclosed*,

770. i. Extract of Governor Burnet's letter, 12th Dec., 1722. [C.O. 5, 972. ff. 85-88., 89v. 90v.]

Dec. 3. **771.** Governor Hart to Lord Carteret. Being informed Antegoa. your Lordship was in personal attendance on H.M. abroad, and I having laboured under a violent sickness for many months which

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rendered me incapable of business, I hope your Lordship will pardon me for not having answered your letters *etc.* *Continues*:— I have the honour of your Lordships of 1st July, in favour of Mr. John Douglass, that he should be restored to all the lands he was possessed of by a former grant which was expired *etc.* That there might be no more pretence of complaint upon that score, I entered your Lordships letter in the proceedings of the Council of St. Christophers and immediately made out a grant *etc.* Some time before I had the honour to have your letter it was intimated to me that your Lordship intended that favour to Mr. Douglass, and as he had abundantly more land than he could possibly make use of, he very readily agreed to farm me the 200 acres I was in possession of, so in obedience to H.M. pleasure I am become tenant to my own improvements, having been obliged to build a house, there being none provided for a Governour in that Island, and before that time was forced to rent a very wretched habitation at £300 per annum, besides there being no market in that Island, I was constrained to farm a plantation, being impossible to subsist without one. These reasons I hope will hold me excused from any misrepresentations that may have been made *etc.* *Acknowledges* letter in favour of Mr. Smith, Secretary of these Islands *etc.* I shall do him all the good offices in my power *etc.* (v. 4th Oct.) *Continues*:— I have your Lordships of 28th May, commanding me to show all due countenance to the person that should be sent by the Rt. Hon. the Earl of Denbigh who has a claim upon the estate and effects of Mr. Douglass formerly Governour. His Attorney has received all the assurances of what countenance is proper for me to show to him *etc.* The estate mentioned was always in trust for his son, John Douglass, and is that very 560 acres which by H.M. command I have given a patent for to him: and as for the effects of the father I know not what advantage my Lord Denbigh may gain by a course at Law, he having already mortgaged them for more than they are worth *etc.*, and his son John under pretence of rent due from his father has had judgment and execution by a law suit in St. Christophers *etc.* Your Lordship's of 27th May was delivered me latly by Mr. William Wyne signifying H.M. commands that I should confirm him in a faculty he had obtained from the Archbishop of Canterbury as a Notary Publick in this Island. Mr. Wyne about two years past was sued by another Notary publick in this Island acting by commission from the Commander in Chief, alledging that the Lord Archbishop had no jurisdiction within these Islands, by any signification from H.M. to his Governours *etc.*, and so judgment went against Mr. Wyne. But to the end that H.M. commands may be complied with *etc.*, I have granted him a commission to act as Notary Publick. I humbly intreat your Lordship will be pleased to signify what jurisdiction (if any) H.M. is pleased to allow His Grace *etc.*, there having been no

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Ecclesiastical jurisdiction mentioned in my Instructions, save that of the Bishop of London. Your Lordship will herewith receive by the hands of Mr. Nevine an Address to H.M. from the inhabitants of St. Christophers *etc.* which I hope will find your Lordships approbation and that you will represent it in the most favourable manner to H.M., being in my humble opinion for the honour of his service and the common interest of the Governour and People of these Islands. The intention of this Address is from the just observation of the people of St. Christophers, that the general disputes between the Governours and the people in all these Islands was occasioned by the different sentiments for ways and means of making a provision for the better support of the Commander-in-Chief, which indeed has formerly been the source of most of the differences that have arisen between the Governours and people, which they are willing generously to make a provision against for the future, and as they have made a suitable provision approved of by H.M., my interest in this affair is entirely out of the question; the sole views I have in promoting of this, regards the good of my successors and the peace of these Islands. The 500 acres which they pray may be appropriated for the support of his Commander in Chief out of such late French lands in that Island as he shall graciously please to appoint, with the expense which the inhabitants propose to be at in settling the same, which when so settled may produce one year with another about £2000 sterling, the value of these 500 acres to H.M. may be computed at £5000 sterling, and it will cost the inhabitants to erect proper works and supply it with negroes and cattle in order to make sugar for the least £8000 sterling. If H.M. condescends to grant the said acres, and the people settle it in the manner they propose, the Commanders in Chief will be at a certainty on their arrival in this Government, without being anxious for their support, or being layd under the unhappy circumstances of making such servile court to the inhabitants for their interest that they can never disengage themselves from; Besides as this is proposed to be a general charge the people will be eased in all these Islands for the future of making any further settlement, but what shall be the produce of the said 500 acres *etc.* From two years experience, my expences amounts to full £2000 per annum, so that in case this establishment should be made, the Governour will not save above a third part of his income, which I presume your Lordship will not think too great a reward for his services, nor too large a recompence for the almost certain loss of his constitution in this very warm climate, and it is remarkable that no Governour of the Leeward Islands has lived to return to Great Britain for 33 years past, Mr. Doughty excepted *etc.* Signed, Jo. Hart. Endorsed, Rd. 1st April, 1724. 5 $\frac{3}{4}$ pp. Enclosed,

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771. i. Address of the Council and Assembly of St. Christophers to the King. *Express gratitude* to "the Divine Mercy lately vouchsafed to all your Majesty's subjects in the preservation of your Royall person and our happy Constitution from the restless and deep laid designs of an infatuated faction" *etc.* *Return thanks* "for placing over us our present Chief Governour who has on all occasions steadily pursued the honour of your Majesty and the prosperity of these Islands *etc.* With an unanimity due to your Royal recommendation we made provision for his support *etc.* Tho' this charge upon ourselves was given and is readily paid with all chearfullness being raised in such a manner as no ways affects the poorer or needy sort of people among us, *etc.*, yet we pray your Majesty to grant for the use of your present and successive chief Governours 500 acres of your Majesty's lands in this Island yeilded at the Treaty of Utrecht *etc.* Wee for our parts shall readily contribute (and we cannot doubt the concurrence of your Majesty's other Islands of this Government, who will share in the benefitt to assist us in the charge especially when they likewise consider how necessary such a provision is for the better supply of the Chief Governour's table which for want of a certain and constant market of fresh provisions is not now to be done but with the greatest difficultys) to stock such a portion of land with sufficient negroes and other necessarys for sugar making. The produce of a Plantation so settled will be a standing revenue to maintain the character of your Majesty's Governours and will render all other taxes for that purpose unnecessary which may thereby remove all those causes of contentions and differences which have too frequently happen'd between the Governours and the people here on that occasion *etc.* Signed, J. (?) Davis, Francis Phipps, Jno. Bourryan, John Willett, Chas. Payne, Ste. Duport, Riehd. Holmes, John Garnett; Tho. Butler, Speaker, John Greatheed, William Wooddrop, Benja. Estridge, Aretas Seaton, Nathl. Payne, Marmad. Bacheler, Peter Thomas, Wm. Johnson, Willm. Liddell, Frdk. Crie (?). 1 large p. [C.O. 7, 1. No. 27 (covering letter only); and, (without covering letter) 239, i. Nos. 29 (and, copies), 29, i., ii.]

Dec. 3. 772. Governor Hart to the Council of Trade and Planta-
Antegoa. tions. I have the honour of your Lordships of the twentieth of June past; which I received in the Island of Saint Christophers the beginning of October, and immediately signified

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to the Council and Assembly H.M. approbation of the Aet settling £2000 warrant money per annum on me *etc.*, which with much satisfaction I acquaint your Lordships was very accept-able to those good people, and I have a most greatfull senee of your Lordships favour to me, in so early laying that Aet before H.M. for his royal approbation. Soon after the receipt of your Lordships letter (tho' under very weak circumstances from the effects of a fever, which has continued upon me with little intermission for many months past) I returned to Antegoa in order to publish H.M. Order for the repeal of the Aet for my better support in that Island, and accordingly I summoned the Council and Assembly on the 9th of November and communi-cated to them your Lordships letter as also the Order of Councel thereon, from which time the said Aet ceased, the repeal being then published. I beg leave to assure your Lordships that I am very sencibly affected with the obliging manner you remind me of my duty on the repeal of that Act, which will always be a caution in my future conduct. At the same time I crave your Lordships permission to lay before you my reasons for passing that Act in the manner I did, which I am in hopes will render me more excusable in your Lordships opinion, for which I have the utmost deference. On my arrival in Antegoa, I found the Assembly then chosen, and no small number of H.M. Council in that Island, prepossessed with an old maxim to keep their Governours always poor and depending; and when they did make them any presents or settlement, it was generally at the price of some branch of the Prerogative; By which means the Governours could not properly be said to be free Agents, but was subject either to their designs or caprice of their fluctuating affections, of which some fatal instances may be given; and for two months after my arrival was kept in suspence whether they would make any settlement on me or not, that part of my Instructions which enjoined me to receive no additional sallarys from any of the Assemblys but during my Government only, being by no means relished by them, as disagreeable to their views mentioned; and proposed whatever settlement was to be made should be from year to year. Whilst I was endeavouring to remove these difficultys the merchants residing and others trading to this Island, of their own aecord, made their proposals by some members of Assembly who were also merchants, to bring in a bill in the manner it was past into ane Aet; volen-tarily submitting themselves to the duty of three per cent. with assurance of writing to their correspondance to use their interest, and make their application in order to obtain H.M. approbation of it. I have good reason to believe that the inducement to the merchants for laying this tax on themselves, was, that by my means they were in hopes to obtain such good laws for the speedy and effectual recovery of their just debts, which had been wanting to them many years, almost to the ruine of trade.

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And in effect I did obtain those laws, by which it is now in a more flourishing condition then ever in this Island : which laws have been long since remitted to your Lordships ; and now my Lords I have ingenuously laid before you, a true state of this case, and humbly submit it to your superior judgment whether a distinction may not be made between an imposition on trade and a voluntary offer of the trader. *Refers to letter of 8th June relating to Assembly of Antigua. q.v. Continues :—*[*The new Assembly*] have given me several proofs of their good inclinations towards me, particularly of their intentions to make a further provision for my support, of which I hope to give your Lordships a further account in a little time, that affair being now under their consideration. *Encloses Journals of Assembly of Antigua 23rd April, 1722–28th June, 1723, and Minutes of Council of Nevis, 8th March, 1721–27th Sept. 1723. Continues :—*I think it my duty to acquaint your Lordships, that I have from time to time demanded of the Clerks of the Councils of the several Islands of this Government, and also of the Clerks of the Assemblys of the same, the copys of the Journals and proceedings of the Councils and Assemblys ; yet I have not been able to obtain them, except such as is herewith sent ; the several Islands haveing refused to pay the Clerks for such copys, which by H.M. Instructions they are obliged to deliver me ; As for the several Clerks of the Councils, they pay a certain price for their offices to the Secretary of these Islands, who is a Patent Officer, and have urged to me, how great a hardship it would be to make out the proceedings, since they are not paid for it by the country as formerly ; I therefore pray your Lordships would be pleased to represent this matter to H.M., that I may be the better enabled to recommend this stronger to the several councils and Assemblys, to pay for such copys and duplicates as in reason they ought to do ; and without which I am not able to send you the journals and proceedings mentioned as I am commanded, for I cannot but think it a great hardship to have suspended the several Clerks of the Council, who are upon a rack rent, nor would any other person take it upon those terms, were they so suspended ; and the Clerks of the Assemblys have no more sallary, than what is a bare reward for the business done during the sitting of the House. I am much honoured with your Lordships approbation of the short state I laid before you of the several Islands under my Government, and shall not fail from time to time to inform your Lordships of the several occurrences in it ; and particularly in complying with my duty in making you the most perfect answers I am capable of, to the several queries your Lordships were pleased to send me, so soon as a return is made me of such of them as was necessary to send to the other Islands for a more certain account of them. Agreeable to H.M. commands, William Pym Bürt Esqre., and Major Richard Abbott have

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been qualified for their places in the Council of Nevis in the room of Joseph Symonds and Roger Pemberton. These two last are chosen into the Assembly, with declarations and resolutions to make every thing as uneasy as they can in that Island. I haveing received several letters from the President of Nevis, Colonel Richard Abbott, that upon proper summonses to the Council and Assembly they neglected to meet, I thought it my duty to repair to that Island (tho' in a very weak condition) in hopes to have put matters upon a better footing, and accordingly went there the 9th July, and on the 22nd commanded the Assembly to attend me with their Speaker. Mr. Brown one of the Members of the Council who carryed that message, returned with the Speaker's answer that they would consider of it: *etc. Refers to Minutes of Council. Continues*:—But whilst I was deliberating with the Council, whether they ought not for this contempt immediately to be dissolved, the Speaker with the House did attend, so that after giving them a gentle reproof for that answer, of which no minute I find (by the neglect of the Clerk of the Council) has been made; and being willing to accommodate all matters in that Island by the easiest and gentlest methods, I then delivered myself in a Speech to them *etc. Refers to Journal. Continues*:—The pretended former contention with me being upon the score of a settlement, I gave up all thoughts of my own interest, however expensive to me, in hopes that then they would have entered upon such measures as would have promoted the wellfare and safty of that Island; But how farr I was able to prevail for their own good, I beg leave to referr your Lordships to a Message page 64 they sent up with great contempt by a single member, whereas in all other Islands in this Government as well as in the rest of H.M. Plantations, that honour is paid to his Commission, that whenever the Commander in chief delivers himself in a Speech, whatever answer is made is always by an humble Address. When this message was brought up to me, I was in so low a condition that I returned to Saint Christophers, where for some time I was incapable of all bussiness. But on my recovery the Assembly tho' admonished by their Speaker to address me in the proper form, which he came personally to Saint Christophers to acquaint me of, as also of the temper and disposition of that House I thought it proper for H.M. service to dissolve that Assembly, which I did on the 13th day of September following, and did not give any answer to their extraordinary message, as contemptuous and unpresidented. I begg leave to make a few short remarks upon it to your Lordships, which in my humble opinion will prove that message avasive. For they acknowledge that I did recommend to them the putting the Island into a better posture of defence, the revising of the Laws, and making provision for my support, by H.M. command, which they have put into a parenthesis (as your Excellency

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informed us) tho' I might have had some credit that it was done by H.M. commands haveing produced my Instructions for my so doing; and yet all these have been intirely neglected; tho' the Island was never in a more flourishing condition, and the inhabitants have more money (as I am credibly informed) in the merchants hands in London, than any of the inhabitants of the other Islands in this Government; and they are so far from being impoverished by the late war, that the bounty money they received upon the score of their losses, is the foundation of their present riches; the Crown having been very much abused in that bounty. As for the provision they make for my entertainment: it consisted in a bed and a very few dishes of meat; tho my expences of going from Island to Island is always suitable to the dignity of the General of H.M. Leeward Islands, which is attended with a very great expence; where even the very necessarys of life are dearer, than in any other part of the world. As for the services that I personally rendered that Island, I beg leave to refer to a letter from my Lord Carteret in page 5 *etc.* Before the obtaining of this letter it was thought of such importance to that Island, that they past an Act of Assembly to give £500 to such person as should solicit and obtain H.M. protection against the claim and demand made by the French Minister at the Court of Great Britain on the score of the Capitulation made between Monsieur De Ibberville and the inhabitants of that Island. Permit me my Lords to acquaint you that that letter was obtained at my humble suite to my Lord Carteret, which is esteemed a good office done to those people, H.M. having taken the matter of that Capitulation under his immediate protection. But your Lordships may please to observe they are so far from considering it in that light, that they even refused to pay their Agent upon this account (Mr. Nevine) *etc. folio 66*, tho' he was the person that gave me all the lights into that affair upon the credit of the Act of Assembly mentioned. How gratefull this is to me and just to Mr. Nevine, I submit to your Lordships. I shall be very glad if the professions of duty and loyalty to H.M. were as zealous and affectionate as their expressions. But I am sorry to say that a majority of the Assembly of that Island are governed by the opinion of one Mr. Peacock Walker a person notoriously known to have been long disaffected to His Majesties person and Government, of which proper proofs were taken some time before my arrival, and transmitted to my predecessor Mr. Hamilton then at Antigua, which proofs being demanded by me of him, at the instance of some gentlemen in Nevis; Mr. Hamilton's answer was that he had sent the affidavits against Walker amongst his papers for England. I mention this my Lords for the sake of representing to your Lordships what expectations may be had for the better Government of that Island, when the Assembly is in-

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fluenced by such a person that takes a pride and pleasure in leading everything into confusion ; But indeed this is not the only instance of the singular perversness of that people, nor can I find they have been in any other temper since the Revolution ; Haveing given all other Commanders in Chief that have preceeded me from that time, very indifferent treatment. And perhaps your Lordships may have wanted a fuller information of the genius of that people than can possibly be done by letters ; no Governour of the Leeward Islands haveing lived to return to Great Britain for thirty three years past except Mr. Douglass from whom I presume much was not expected. I take it to be my duty to represent to your Lordships consideration, whether it would not be for the safty of that Island, as well as for that of Saint Christophers, if there was but one Council and Assembly in both ; for the Island of Nevis is distant from the other but an English mile, and the Trade winds which blow from the North East to the South East ten months in the twelve, serves both for the going and returning to either Island in two hours, which is frequently done both in matters of bussiness and pleasure. Such a union, in my humble opinion, will be an advantage to the Island of Nevis, for in time of war it will be an additional strength to them ; Saint Christophers being much superior in numbers of people well diseiplined, and provided with all sorts of warlike stores ; and in time of peace H.M. service would be dutifully and affectionately promoted, and the common good and wellfare of both Islands (Nevis espeecially) will be greatly advanced. If what I have offered receives your Lordships approbation, I shall very readily obey the commands you shall lay upon me in order to effect it ; and I cannot avoid acquainting your Lordships that these Islands look on themselves as a distinct people and Government ; without considering they are the subjects of the same King and that their real interests ought to be inseperable. My Lords, the Act of Antegoa (*enclosed*) is the revisal of an ancient Act latly expired for laying a duty of one pound of pistoll powder or in lieu thereof two shillings currant money of this Island per ton on all ships and vessells trading to or from this Island. The dutys arising from this Act is to supply the magazeens with powder, and for the erecting a new one and keeping the same in repair, which has formerly been ; and I shall take care that the same be carefully applied to the use for which it was enacted. *Encloses* an Act to prevent excessive and deceitfull gaming, which was grown to a pernicious hight to the great discredit of this Island and detriment to the trade, which being obvious to every person was upon my recommendation easily enacted, and as this Act is upon the foundation of the Gaming Act in Great Brittain, I presume I need not say more to recommend it to your Lordships for H.M. approbation. *Refers to Addresses from the Council and Assembly of Saint Christophers as in preceding.*

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I humbly intreat it may be presented to H.M. for His royal approbation, and that you will be pleased to signify what fate it has to me, at your own time. Mr. George Millward, one of H.M. Council of St. Christophers, being latly dead, I humbly desire your Lordships favour that you will recommend Major Peter Soulegre to succeed him; Mr. Soulegre is not only the wealthiest man on that Island, but is in all respects a worthy and discreet person. Notwithstanding the violence of the three late hurricanes, these Islands remain in a very thriveing condition; the merchants haveing been the greatest sufferers in their shipping. *Signed*, Jo. Hart. *Endorsed*, Recd. 30th March, Read 15th April, 1724. 15 pp. *Enclosed*,

772. i. Address of the Council and Assembly of St. Christophers to the King. *Pray H.M. to grant 500 acres for the use of Chief Governors etc. Duplicate of No. 771 i. Signed*, Tho. Butler, Speaker, John Balaquier, D. Secry. and Clk. Councill. *Same endorsement. Copy.* 2½ pp.

772. ii. Address of the Council and Assembly of St. Christophers to Governor Hart. *Pray H.E. to recommend above proposal etc. Signed as preceding. Endorsed*, Recd. 30th March, 1724. *Copy.* ¾ p. [C.O. 152, 14. ff. 237-247, 248v.-249v.]

Dec. 4. **773.** Governor Nicholson to Mr. Delafay. *Returns* thanks for letter of 6th Sept. *Refers* him to letter now sent to Mr. Yonge. *Continues* :—What you were pleased to write concerning the merchants is very surprising to most people here that they should have the impudence to say such things to their Excellencys the Lords Justices. I find they will lye most notoriously when they think anything will make for their interest. This putts me in mind of what my old master Muli Ishmael Emperour of Morocco told me, vizt., “Tell the King your Master never to trust or believe a merchant for when we had warr with him at one gate they sold us powder at another.” There was then with me one onely a Barbary mercht. with another wch. was ye reason I suppose that the Emperour added vizt. “What do you think this man comes for but to buy or truck with us for bad powder and give good for it, and further added, “I believe the King your Master will thank him for it.” You’l excuse this accot. had from him when he lay encamped in the middle of Mount Atlas going against his nephew Muli Hamett *etc. Signed*, Fr. Nicholson. *Endorsed*, R. Feb. 3rd. 1 p. [C.O. 5, 387. No. 42.]

Dec. 4. **774.** Governor Nicholson to the Council of Trade and Plantations. *Acknowledges* letter and Order relating to repeal of Acts for bills of Credit *etc. Continues* :—The proceedings of the Council and Assembly thereupon I shall

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(God willing) transmitt by the first safe oportunity which I hope will be soon we having sevll. ships and vessells loading for Great Britain and I thank God the weather hath been and is like to continue extraordinary good so that the rice pitch and tarr is brought hither every day for shipping off. *Refers to enclosures.* The Indian affairs and trade with them seems at present to be under very indifferent circumstances but as soon as the Assembly have done with this affair of the printed bills *etc.* (which at present seems to be of the last consequence to those two inseparables, H.M. interest and service and that of this his Province) I shall lay this whole affair before the Assembly in order to the better regulation thereof by some additional Act *etc.* *Signed, Fr. Nicholson. Endorsed, Recd. 15th Jan., Read 29th Oct., 1724. 1½ pp. Enclosed,*

- 774. i. Duplicate of Lords Justices' letter to Governor Nicholson, 5th Sept., 1723, requiring him not to assent to any Act for increasing the curreney of paper credit or diverting the established sinking funds *etc.* *Cf. Aug. 27. Same endorsement. Copy. 1½ pp.*
- 774. ii. Minutes of Council and Assembly of S. Carolina, 3rd Dec., 1723. A Committee of the two Houses was appointed to consider the state of the curreney, upon the repeal of two Acts for bills of credit *etc.* *Same endorsement. Copy. 2¼ pp.*
- 774. iii. Minutes of Council of S. Carolina, 2nd Dec. Proclamation for repeal of the two Acts ordered. Resolved, that H.E. recommend the Assembly to comply effectually with the Lords Justices' letter *etc.* *Same endorsement. Copy. 1½ pp.*
- 774. iv. Proclamation repealing Acts for raising £17,248 0s. 6d., and for reprinting the current paper bills *etc.* with copy of Order in Council, 27th Aug. 3rd Dec. 1723. *Signed, Fr. Nicholson. Same endorsement. Copy. 3 pp.*
- 774. v. Proceedings of the Governor, Council and Assembly of S. Carolina, upon the Speech of the Charikee Indians. 2nd-8th Nov., 1723. Outassatah and Kureeroskee said that a quarrel had occurred on account of Hunt, an Indian trader and a squaw. They asked that prices of goods and measures should be fixed. They were told that they must make the best agreements they could with traders. They must punish the authors of any damage done to Hunt, and not allow their young men to insult the English as in this case, or no traders will be sent to their towns. The Government recognised Outassatah as King of the Lower Cherikees, being recommended to H.E. at his first arrival by their chief men, and not Konotiskee *etc.* A detachment was ordered to go and arrest the un-

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licensed traders amongst the Cherikees. The Cherikees were presented with powder and bullets to hunt home *etc.* *Same endorsement.* *Copy.* 5½ pp.

774. vi. Proceedings of the Committee for Indian affairs, upon the occasion of a visit from Oulatta, Emperor Brim's second son, and other Creek Indians (Pallachocholas, Cowetas, Hitchetees and Euchees). Charles Town, 25th Oct., 1723. Oulatta complained of insinuations against him by the Indians of the Upper towns *etc.* Col. Theophilus Hastings reported to H.E. Oct. 8, 1723, from Cussitaws, that though the chief of fifty warriors going out against the Charikees told him that all the people of the lower Creek were of one mind to be enemies to the Yamasees, he very much doubted it, for two of the Yamasee Kings were at the Cowetas lately, and gave the old Emperor a bag of Spanish money. There has been a great deal of disturbance between the traders and Indians, occasioned by their bringing up too much rum, and they not having skins to purchase it *etc.* The Tallapooses, after their talk with your Excellency, raised a body to go against the Yamasees, but an alarm happened which caused a great many to return; however about 200 went down as far as a town called the Ufawles, not far from the Yamasees settlements, and hearing that the Yamasees had left their town and gone to St. Marks, they met with one woman and killed her, and cut her scalp in several pieces, and returned, wch. am informed they have carried to you; and those that are gone down with Oulatta is Cowetas, except one Euchee, and two from the Hechitees, who have done much [such] another exploit, for they have a woman that was threatned for a witch, to be killed, and so was given them to carry down. Cussabaw's says, if he abused the traders, it was when he was drunk, and believes the Cowetas set the white people against him *etc.* *Same endorsement.* *Copy.* 8 pp. [C.O. 5, 359. ff. 105-107v. (with abstract of covering letter), 108v.-111v., 112v.-117v., 118v., 120-123v., 124v., and (abstract) 5, 406. p. 8.]

- Dec. 5. **775.** Mr. Burchett to Mr. Popple. *Reply to 27th Nov.*
 Admty Office. The Comadore, who is suddenly expected home, will be directed, upon his arrival, to attend the Lords Commrs. of Trade, *etc.*
Signed, J. Burchett. Endorsed, Recd. 9th Dec., 1723, Read 22nd July, 1724. Addressed. 1 p. [C.O. 194, 7. ff. 219, 220v.]

- [Dec. 5.] **776.** (a) Memorial of Merchants trading to Africa and Virginia, to the Council of Trade and Plantations. Arguments

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against Act of Virginia *laying duty upon negroes imported*. v. Sept. 23 *etc.* Signed, Tho. Colmoie, Rd. Harris, Fran. Chamberlayne, Robert Cary. 2½ pp.

(b) A computation of the effect of the said duty. $\frac{3}{4}$ p. *The whole endorsed*, Recd. Read 5th Dec., 1723. [C.O. 5, 1319. No. 30.]

[Dec. 5.] **777.** Extract of letter from Virginia to Mr. Harris, 25th June, 1723. Presumes the African Co. will oppose the Act *laying duty on negroes imported etc.* To pay themselves in money, rather than tobacco, the Burgesses have broke into a fund appropriate for bounties to those that manufactured hemp and tar. The money arising from above Act must for a long time go to supply that fund *etc.* *Endorsed*, Recd. Read 5th Dec. 1723. *Copy*. 1 p. [C.O. 5, 1319. No. 31.]

Dec. 7.
Jamaica,
Spanish
Town.

778. Governor the Duke of Portland to the Council of Trade and Plantations. *Continues*.—Itt has been impossible to gett all matters ready to be transmitted to yr. Lordsp. by these ships ; no boddy supposing that they would sail so soon, but stay for the convoy of a man of war that is to sail in a fortnight *etc.* I have also been prevented, by being indispos'd for these five or six weeks last past, by a violent cold, with a great oppression, and the apprehensions of a feavour which is very frequent here att this time of the year, but being pretty well recover'd as to my health, tho' not yett as to my strenght I hope I shall now soon be able to give the necessary directions, and to take care, that, every thing may be sent in good order to yr. Lordsp. Upon receving the letters, and particularly His Majty's. which acquainted me with his disaproving the laws *etc.* (v. Aug. 6th), I was obliged to prorogue for a short time the Assembly which was then setting, and wanted some recess ; their own private business requiering their presence att their respective homes, and also to give them time to consider what was expected and proper for them to do ; I own to yr. Lordsp. I never thought, nor never gave the least encouragement to the people here to hope, that such a law, as that about settling the laws of this Island, and making a provision for the support of the Government could meett with approbation, and I acquainted the Councill with all the objections I had against giving my consent to the law, but they were all of opinion that considering the discouragements or the calamities the Island labour'd under, att that time, itt was advisable to support the sperits of the people, as much as I could ; I was a wittness my self, that no boddy can describe or hardly imagine, the miserable condition I found the Island in ; itt is with great satisfaction I can acquaint yr. Lordsp. that itt is considerably mended, in all respects, no care or application of mine has been or shall be wanting to the best of my judgement, and I hope when you'll

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be intirely acquainted with the true state of affairs, which I intend to do with the uttmost expedition, yt itt will meet with yr. Lordsp. approbation *etc.* *Signed*, Portland. *Endorsed*, Recd. 19th, Read 20th Feb., 172 $\frac{3}{4}$. *Holograph*. 3 pp. [C.O. 137, 14. ff. 263, 264–265v., 266v. (*with abstract*).]

Dec. 7.
Jamaica.
Spanish
Town.

779. *Same to* [?Lord Carteret]. *Repeats preceding adding, with reference to the Assembly*, “I wish with all my heart that they may behave themselves well, but they are so fond of the notion to be as near as can be, upon the foott of H.M. English subjects that the desire of it allmost distracts them.” *and adds in conclusion* :—My concern is none of the least to find I lye under the imputation of not having pay’d that due regard to H.M. Instructions, which I ought to have done ; I can assure yr. Lordsp. and can make itt appear, that a perfect and intire observance of them, has been my constant desire attention and study ; and if by the advice of those, who should be the best judges of the state of the Island, there has been any omission, the true and only reason has been, because itt was represented to me, to be for H.M. service ; and that the distracted condition of the Island as to the Governmt., the people’s healths, and theire estates, did require, and in a manner force me to consent unwillingly, to what I would not have done att any other time and under other circomstances *etc.* I allways depend upon those kind assurances yr. Lordsp. gave me of yr. friendship and assistance before I came away, and no endeavours of mine shall be wanting to deserve them *etc.* *Signed*, Portland. Rd. 28th Feb., 172 $\frac{3}{4}$. *Holograph*. 3 $\frac{3}{4}$ pp. [C.O. 137, 52. ff. 91–92v.]

Dec. 10.
Antegoa.

780. Governor Hart’s licence of absence to Mr. Crawford, Provost Marshall of the Leeward Islands. *Signed*, J. Hart. *Seal (broken) attached*. 1 p. [C.O. 152, 40. No. 7.]

Dec. 10.

781. Mr. West to the Council of Trade and Plantations. Has no objection in point of law to the Acts of Virginia *laying a duty on liquors and slaves and for improving the staple of tobacco.* *Signed*, Richd. West. *Endorsed*, Recd. 10th Dec., 1723, Read 10th Jan., 172 $\frac{3}{4}$. $\frac{3}{4}$ p. [C.O. 5, 1319. No. 37.]

Dec. 10.

782. *Same to Same.* *Report upon Act of the Massachusetts Bay for apportioning and assessing a tax of £6232 13s. 11d.* I have been attended on the behalfe of the Quakers in that Province complaining that the use made of this Act was such that it destroy’d the liberty of conscience to which they were entituled by the Charter *etc.* But upon the face of the Act itselfe, I have no objection in point of law *etc.* *Signed*, Richd. West. *Endorsed*, Recd. 10th, Read 19th Dec. 1723. 1 p. [C.O. 5, 869. ff. 3, 4v.]

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Dec. 11.
Whitehall.

783. Council of Trade and Plantations to the Lords Justices. Having had the opinion of Mr. West upon the Act of Jamaica, *to enable trustees to sell estates of Wm. Bowles etc.*, and discoursed with the several parties concerned, and there being the necessary saving clauses therein, we have no objection why H.M. may not confirm the same *etc.* [C.O. 138, 16. pp. 461, 462.]

Dec. 11.
Antegoa.

784. Governor Hart to Lord Carteret. *Acknowledges* repeal of Act of Antigua *for the better support of the Governour etc.* (v. 20th June). *Continues*:—The Assembly very willingly came into a resolution of making a provision for my further support, not lyable to the objections of the former; But the first Assembly having been dissolved, I could not (by the 32nd Article of my Instructions) accept of such provision from this Assembly, unless H.M. pleasure was signify'd by your Lordship, permitting me so to do, so that I am left without any support from this Island, and as I have the honour of H.M. service most at heart, I shall maintain it in the manner I have hitherto done. But I must humbly intreat your Lordship, you will have the goodness to consider the extraordinary expence this will put me to *etc.* I have now no support from these Islands, except from Saint Christophers (the Act for my support in Mountserat being also rejected) which I assure your Lordship is not sufficient to maintain the character H.M., by your Lordship's great favour to me, has honoured me with; all the necessarys of life in this Government being at a more extravagant rate than in any other part of the world. *Signed*, Jo. Hart. *Endorsed*, Rd. 29th May, 1724. 2 pp. [C.O. 7, 1. No. 28; and (duplicate, endorsed, Rd. April 1st, 1724) 152, 42. No. 141.]

Dec. 11.
Antegoa.

785. Governor Hart to the Council of Trade and Plantations. I had the honour to acquaint your Lordships, by my letter of the 3d instant, that upon publishing the repeal of the Act for my better support in the Island of Antegoa, the Assembly of that Island had it under their consideration to make a provision for my further support, accordingly on the 10th instant sent a message to the Lt. General and Council with a bill which had been twice read in their House (v. *enclosures*). By which your Lordships may please to observe that Act was not to take place till H.M. further pleasure was known; but to my great surprise was rejected by the Council by a majority of one, who gave for reason, that as I was restrained by my thirty second Instruction to take no sum or summs as an additional salary but shall be done by the first Assembly in each Island after my arrival in my Government, and so argued that they could not give their consent, till H.M. pleasure was signified either by a sign manuel or from one of H.M. Secretarys of State, the first Assembly having been dissolved. I urged to the Council in vain, and was seconded by the Lieutenant General of these

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Islands, and the Lieutenant Governour of this Island, and three more of that Board, that this Bill not being to take place till H.M. pleasure was known, it would be of ease to H.M. and his Ministry if the Act was past in this manner; for that first if H.M. is pleased to condesend that a further support should be allowed, there would be a necessity of praying H.M. to grant such a lyeence empowering me to receive it; whereas if H.M. was pleased to approve of this Act, I should at once be concluded by it. I also mentioned your Lordships' letter of 20th June *etc.* But I am out of countenance to acquaint your Lordships how little respect was had by a majority of the Council to this very obliging recommendation from your Lordships. As the case now stands, I am without any support from the Island of Antegoa, tho' in honour to H.M. service, I shall not abate of that port I have hitherto maintained the dignity of my station with; But as this will be very expensive to me having not so much as a house provided for me in the Island, tho' indeed they have consented to repair the one I rent, which was very much damaged by the late hurricane; so that I most humbly intreat your Lordships you will take my case into your consideration, and as soon as conveniently may be, favourably recommend it to H.M.; that he may be graciously pleased to signify his pleasure that I may have his royal lyeence to obtain a further support from a second Assembly; the same reason subsisting as when in his great goodness he permitted me to take it from the first. The bill that is herewith inclosed is the very same that came up from the Assembly, which your Lordships may please to observe, altho' it mentions three shillings and sixpence per ton, yet that is not layd on, nor payd by the shipping or trade, but out of the publick levys of this Island, which taxes their land and negroes. The reason of promoting it by the number of tons of shipping that shall clear from this Island, is intended that I should share in their good or bad fortune. For instance when they make a large quantity of sugar, which is computed that the ships and vessells then clearing amounts to 8000 tons per annum, and when they want proper seasons for making of sugar, as it happen'd before my arrival for four years together, the tonage did not amount to above 5000 per annum. This I hope will satisfy your Lordships, that such an Act will lay no burthen upon trade or shipping; and humbly desire your Lordships will favour me with your sentiments on it. I cannot conclude without doing justice to the Assembly of this Island (which is the voice of the people) by acquainting your Lordships how readily they came into a provision for the support of this Government, how great a deference they have for all things that are for H.M. service, and of their particular regard they had for that recommendation mentioned in your Lordships' letter. This happy temper is very rarely found in the Assemblies of the Plantations, and in my humble opinion, if your Lordships

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think it proper, nothing would conduce more to continue them in this good disposition than to be distinguished by some marks of your Lordships approbation. *Signed*, Jo. Hart. *Endorsed*, Reed. 30th March, Read 15th April, 1724. $3\frac{3}{4}$ pp. *Enclosed*,

785. i. Message of the Assembly of Antigua to the Lt. General and Council, sending up following. *Signed*, Ashton Warner, Speaker. *Endorsed*, Reed. 30th March, 1724. *Copy*. $\frac{1}{2}$ p.

785. ii. Bill for the better support of Governor Hart, referred to in preceding. *Same endorsement*. *Copy*. 1 folded p. [C.O. 152, 14. ff. 250-253v.]

Dec. 12.
Philadelphia.

786. Lt. Governor Sir W. Keith to the Council of Trade and Plantations. I have the honour to receive your Lordships commands of the 19th of last June, and I observe that your Lops. seem to apprehend some ill consequences from a paper currency in these parts. It is indeed a misfortune and discouragement to me, that I have not as in the other Colonies H.M. Orders and Instructions to consult and direct me, in matters of such importance; But as I do not reap one penny advantage by my compliance with the humors and necessities of the people in this case, I hope your Lops. will put the most favourable construction both upon my actions and sentiments, so far as they appear to be purely intended for the publick service without any other view whatsoever. Pensilvania, is hitherto the only Colony which has strietly observed her late Majesty Queen Ann's Proclamation confirmed by Act of Parliament, for ascertaining the value of forreign coins in the Plantations, so Spanish plate and gold bearing a different value in almost every Colony, and being also subject to the rise and fall of markets, it will not conveniently answer the ends of a currency in our home trade or product manufactured, which being the source and fountain of all our substance, must by some permanent measure of traffick, be kept in continual motion; thus by pledgeing our lands for a security to one another, we convert a third part of their value into an imaginary specie which fully answers the end of a permanent currency and common measure of trade amongst ourselves, By which means we are not only able to raise and manufacture a greater quantity of provisions, but also to multiply our Exchange, and thereby dispatch a much greater quantity of trade and business within the same space of time: And this plainly appears to be the case of Boston New York and South Carolina, for without any regard to the difference in value which from the [*?security*] of the scheme for sinking that imaginary currency, or the circumstances of the Colony when it is struck, may arise between the paper and cash; These severall Colonies, by means of their paper only, do actually carry on three times the bussiness, which they ever did before, or indeed could possibly do now

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without it : That is by encouraging the planter and manufacturer with a ready market for his commodity, they have largely increased the quantity of their export, fully employed their shipping and brought in a greater ballance in cash to pay for European goods from Great Britain than other ways was practicable to be done ; and for these reasons I humbly conjecture, that it is not only the general interest of the Northern Colonies to transact their home bussiness by means of a due proportion of paper credit, but also that it will greatly increase their consumption of British manufactures, and inavoidably send the cream of all their forreign trade viz. their gold and silver to London, since it cannot then be in demand here, for any other service but returns to England. That a few particuar men from the situation of their private affairs at the time, will lose something at first, by such an alteration in the currency of a country, may be very true ; But as things of that nature are or ought to be calculated for the general benefit of the whole community without regard to particulars by themselves, if it actually serves to encrease the bulk of our trade and manufacture, and thereby prevents our people from falling under the necessity of raising and manufacturing their own cloathing it fully answers the proposed end *etc.* The difference which arises in America from time to time between the nominal value of our paper and cash, does by no means introduce any alteration in the ballance of trade ; because the price current of all goods bought and sold for paper will ever keep an equal proportion to the difference or nominal exchange between that paper and cash at the time : for it is evident that a merchant who sells his goods at ten pr. cent. more in exchange for bills of credit than he can for gold, and afterwards makes a purchase of gold with the same bills of credit at ten pr. et. discount, is no loser by the paper currency ; and when it is the merchant's [*?design*] (which is truely the gross of our trade) with expedition to convert the value of his goods into bread, flower, beef, pork *etc.* for the advantage of the West India market, it is no less evident, that a fluent currency of paper, which is not of its own nature exportable, will render the market here more frequent and contribute exceedingly to his dispatch, which at this time is sensibly felt to be the natural effect of the paper bills struck in this Colony with which you may purchase gold from two or three pr. cent. discount, and in most of our dealings in other commodities are equal to any cash. But to give your Lordships at one view a perfect idea of the nature and use of a paper currency in these Colonies, it is in effect no other than an artificial and harmless contrivance to make the perishable commodities produced by our labour, a convenient, equal and lawfull tender in all dealings whatsoever amongst ourselves : For example a Planter possessed of wheat, barley, beef and pork *etc.* wants to purchase European necessities of different kinds and values,

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for the use of his family ; Now it is not practicable for this planter to carry these bulky commodities about with him ; and much less to subdivide them into such proportions or parcels as will serve to purchase his severall wants at the best hand from many different shops and places, and there being not a sufficient quantity of gold or silver in these countries to quicken and promote a mutual exchange, whereby those few who happen to possess a greater share of cash are enabled to make a monopoly of trade, the planter for want of a common measure of traffiek, must sell his goods at an under rate and think of raising and manufacturing those necessaries for himself which other ways could be more easily purchased with the produce of his farm. But on the other hand if a sufficient quantity of paper is struck in such a Colony upon a fair, equal scheme, as it is not of its nature exportable and consequently not lyable to be hoarded up, such a planter will find a ready sale for the whole produce of his farm which is presently converted into a convenient specie of a certain value wherewith he may go to market and furnish himself with any sort of European goods much cheaper than he can possibly raise and manufacture them at home *etc.* *Signed*, W. Keith. *Endorsed*, Reed. 12th Feb., Read 23rd July, 1724. $3\frac{1}{4}$ pp. *Torn.* [C.O. 5, 1266. ff. 141-142v.]

Dec. 12. **787.** Lt. Governor Sir W. Keith to Lord Carteret. I hope
 Pennsylvania. my caution in avoiding to give your Ldship any unnecessary trouble will not be imputed to me for neglect of duty *etc.* The enclosed Adress to H.M. haveing been perfected here with all possible demonstration of loyalty and affection to the present happy establishment of the British Crown on H.M. sacred person and most illustrious Family, I have undertaken with all humility to sollicite for that mark of your Ldships favour and protection to this Province, that you will be pleased to lay the same at H.M. feet *etc.* *Encloses following.* *Signed*, W. Keith. $1\frac{1}{2}$ pp. *Enclosed*,

787. i. Duplicate of No. 786. [C.O. 5, 1233. Nos. 61, 61. i.]

Dec. 12. **788.** Council of Trade and Plantations to Governor Worsley.
 Whitehall. *Acknowledge* letters of 1st June, 16th July, and 24th Sept. *Continue* :—We observe that you have admitted Jas. Dottin to be of the Council, as apprehending him to be the person intended by your Instructions *etc.* (v. 16th July). And as we are inclined to believe the nomination of William instead of James was a mistake, we shall represent to H.M. that James Dottin is a proper person to supply that vacaney ; But you will be pleased to remember, that you are not empowered by your general Instructions to fill up any vacaney in H.M. Council so long as there shall be seven Councillors remaining. And altho' you are authorized by a particular Order in Council, to fill up

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the vacancies that might happen by the removal of Mr. Cox, or by the not restoring of Mr. Berwick, yet in all other cases we doubt not but you will punctually follow your Instructions, by recommending in due time to this Board persons fitly qualify'd to supply such places as may become vacant in H.M. Council. We have transmitted to the Lords of the Treasury, an extract of so much of your letters as relate to the illegal trade with Martinique *etc.* We send you the copy of a letter to Mr. Delafaye from Mr. Crawford, H.M. Resident at the Court of France, in answer to a complaint from hence, relating to the illtreatment some of H.M. subjects had met with at Martinique and Guardaloupe, by which you will see the opinion of that Court, in relation to the illegal trade which you are desirous to prevent. We have perused those papers you have sent us, in relation to the tryal of Mr. Cox: as that matter was particularly referred to you by the Lords of the Council, and you was by them directed to make a return of your proceedings therein to that Board; we think it unnecessary at this time to say anything more, not doubting but your conduct therein will meet with the approbation it deserves. We shall shortly consider all the Acts you have sent over, and lay them before H.M. But as to the Act *for supporting the honour and dignity of the Government*, we took the first opportunity to lay the same before their Excellencies the Lords Justices for their confirmation, and are glad to acquaint you, that they have approved thereof. [C.O. 29, 14. pp. 379-381.]

Dec. 12. **789.** *Same* to the Lords Justices. Recommend James Whitehall. Dottin to fill the place of Wm. Dottin, deed., in the Council of Barbados. [C.O. 29, 14. p. 382.]

Dec. 14. **790.** Governor Nicholson to the Council of Trade and Charles Plantations. *Repeats parts of 4th Dec. and encloses duplicates etc.* Town, *Concludes:* The Assembly's time is so taken up about the South currency that I have not yet regularly layd before them the Carolina. state of the Indian trade but all the Gent. of H.M. Honble. Council and most of the Commons House know it, so that we often talk of that affair among our selves *etc.* Signed, Fr. Nicholson. *Endorsed*, Recd. 27th Jan. Read 29th Oct., 1724. 1¼ pp. *Enclosed*,

790. i. List of following enclosures. *Signed and endorsed as preceding.* ½ p.

790. ii. (a) Message from the Assembly to Governor Nicholson. 13th Dec., 1723. We are very much concerned to find that your Excellency cannot consent to the settling the price of rice for the payment of private debts, since by such a bill and the conditions of sinking the paper currency annexed to it, we are of opinion that we should have effectually complied with the

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directions of the Lords Justices *etc.* The fate of this Province will turn on the steps taken by this Assembly in this critical juncture *etc.* *Propose* that the paper bills be made current by law.

(b) Governor Nicholson to the Assembly, 13th Dec. The merchants would oppose the settling of a price for rice as much as the two Acts. Making the bills current which are already repealed would be contrary to the Lords Justices' directions, 27th Aug. *etc.* *Signed and endorsed as preceding. Copy. 2½ pp.*

790. iii. Report of the Committee of Council and Assembly of S. Carolina upon the sinking the paper money, 5th Dec., with Governor Nicholson's speech to the Assembly, Dec. 6th, that he cannot consent to the proposal for settling the price of rice for payment of private debts *etc.* *Signed and endorsed as preceding. Copy. 2½ pp.* [C.O. 5, 359. ff. 125, 125v., 126v.-131v.; and (abstract) 5, 406. p. 17.]

Dec. 16. **791.** Governor Burnet to [?Charles Delafaye]. *Acknowledges* letter of 17th July, 3rd and 26th August, enclosing Instructions relating to trials of pirates, passing private Acts *etc.* *Praises* Lt. Riggs. "I beleive your nephew will make a very good officer, and will take after his mother, who is much fitter to command an army, or a family, than the Coll., and no disparagement to his capacity neither," *etc.* *Continues*:—Your account of home and foreign transactions has given me more information than all the heaps of newspapers, that I have seen in print this twelvemonth *etc.* If you will allow an American to argue, about business on your side the water, it seems to me that the Quadruple Alliance is a knot, that any Prince concerned in, if he endeavours to loosen, will by his pulling at it, unavoidably tye himself the faster *etc.* *Continues*: There is nothing stirring of any moment here on the Continent but the Indians now with Boston. There are two French Gentlemen lately come from Canada, to Boston, some say to make peace between the Indians and English, others say to threaten war if the English continue the war against the Indians, whom the French call theirs. What the French are in my opinion most uneasy at, is that our five nations have declared war against these Indians, and will ferret them out if they don't soon make peace with Boston, which breaks the Jesuits policy quite, who endeavour to keep fair with our five nations as well as their own Indians, but can't effect it. These fathers are the cheif proprietors of the soil of Canada, and are always instilling it into the Indians, that adhere to the English that they have been cheated out of their lands by the English of New England and Dutch who first possessed New York. The five nations always were at war with the French, till King James's time, but then

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the Jesuits got the assistance of K. James' Governour to obtain a peace between these Indians and the French, and since that time, they have been wavering and divided between the French and us. But now, upon the war stirred up first by the Jesuits among the Eastern Indians called Algonkins, against Boston and Nova Scotia, and the war proclaimed by Boston against them, our Indians of the five nations by my persuasions and the presents made them by the people of Boston are become partys to the war against these Algonkins, and will by that means grow enemies to the French as formerly, which will ruin great part of their beaver trade, and be the making of our trade into the heart of the Continent *etc.* *Signed*, W. Burnet. *Endorsed*, R. 25 Jany. *Holograph.* 4 pp. [C.O. 5, 1092. No. 26.]

Dec. 16.
New York.

792. Governor Burnet to the Council of Trade and Plantations. *Acknowledges* letter of 9th July, *and thanks* for appointment of the new Councillors for New Jersey and New York. *Continues* :—I am now just returned hither from holding an Assembly in New Jersey, where I have obtained a fund of £1000 per annum, for ten years, for an additional support of Government, besides about £6000 more, which will be due to the publick, at the end of ten years, and is to be applyed to the support of Government, when it comes in ; It is true that by this Act there is more care taken for the time to come than the present, for the deficiencies of the present support of Government, have obliged us to anticipate upon the four first years of the tax of £1000 per annum. This provision for the support of Government arose from the violent bent of the whole body of people, to have paper money, which by my late Instruction, can only be made in Acts for the support of Government. Now as New Jersey has little or no foreign trade, but only with the two neighbouring Colonys of New York and Pensylvania, which have both paper money. The people of New Jersey can get nothing from these Provinces, but their paper bills for their produce, and yet these are not a legal tender in taxes or debts between man and man in Jersey, and so they really had nothing to pay them in, and were under a necessity of making paper bills of their own, which are indeed on the best foot of any in America, and are all to be sunk in ten years time. As I cannot at present get the Acts of New Jersey engrossed and printed soon enough to transmit to your Lordships, I will not trouble your Lordships with the particulars till the Spring : I shall only add by way of instance of the success of such currency, that the paper money of New York is now in as great value at New York, as the coin of Great Britain is at London, for an ounce of Spanish pieces of eight is worth but sixpence more than a paper bill of eight shillings which was struck for an ounce, and an ounce of Spanish silver in London is generally worth 3*d.* or 4*d.* sterling more than the coin, because of the benefit of exportation to the

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East Indies; and by this paper currency, which I humbly conceive, is much securer than Bankers bills in London, they carry on business among themselves, and send home all the gold and silver to Great Britain as it comes in to them by trade, which I apprehend to be an advantage which Great Britain would not have so much of, if there were not paper money among us. I now proceed to give your Lordships an account of the Acts which I now transmit, and which were passed at the last meeting of the Assembly of New York. (i) *An Act for raising and levying the quantity of 5350 ounces of plate, for the uses therein mentioned, and for striking and making bills of credit for that value.* This Act is altogether for the publick charges of the Government, the greatest part to supply a deficiency in the Revenue, which arose by the arrears of fees due to the Auditor Generall, amounting to £2232, which I was commanded by H.M. to allow out of the first moneys that should come in by the Revenue for the support of this Government. The other part is for the promoting a trade with the far Nations of Indians, which I have already acquainted your Lordships, was far advanced, by my letter of the 25th of June last, and which is best encouraged, by keeping up a constant company of traders at the publick expence in the Sinnekees country, which is near the Lake Ontario, and where the Indians constantly coast along the South side, whether they go to Canada or Albany, and they that are at hand to invite them, generally have them. (ii) *An Act for continuing an Act entituled, An Act appointing to let to farm the excise of strong liquors in the citys and countys in this Colony.* (iii) *An Act for paying the charges and expenses of two wooden houses or sheds, built near the City of Albany, for the accommodation of the Indians trading at Albany and for keeping them in good repair.* This is a conveniency for the Indians, that is newly made, and is very usefull to prevent their being cheated, as they often are, when traders get them privately into their houses, and by the power of liquor perswade them to part with their furs for little or nothing. But when the Indians come to themselves, they grow very angry at their usage, and this often makes them very unruly and frequently endangers their good understanding with us. To prevent this, these houses are built, where they trade publickly, and so are more equally dealt with. (iv) *An Act to determine, and take off the reward, allowed by former Acts for killing and destroying wild cats and foxes.* (v) *An Act to revive an Act, entituled, An Act for the encouraging navigation.* This is chiefly to prevent sailors being credited beyond six shillings, as the next, which is a new law, makes the same provision against crediting souldiers for any larger sum. (vi) *An Act to prevent desertion from H.M. forces in the Province of New York.* (vii) *An Act for clearing and laying out highways in the City and County of Albany.* (viii) *An Act to revive an Act, entituled, An Act to authorize the*

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Justices of the Peace to build and repair goals and courthouses in the several counties in this Province so far as it relates to Queen's County. (ix) *An Act to continue an Act of Generall Assembly, entituled, An Act for better clearing and laying out highways.* (x and xi) Two private Acts of naturalization. The (xiith) is another private Act to enable Thomas Dongan and Walter Dongan, two surviving kinsmen of Thomas late Earl of Limerick, to sell some part of their estate for payment of their debts, and discharging some incumbrances wherewith the same is now charged. To which Act I insisted on a clause by which it is not in force till approved by His Majesty, before I would give my assent to it. I have since received an Instruction from the Lords Justices, of the 23rd of July last, injoyning the like precaution in all private Acts, which I have entered in the Council Books in this Province, and in New Jersey and communicated it to the Assembly of that Province, who were sitting when I received it. I have lately had the number of the inhabitants of this Province, taken by lists from the Sheriffs of every County, which they have made up from the returns of the several Constables under them, and tho' there may be possibly some mistakes in it, yet I believe it as correct as can be desired in an estimate, therefore I hope it will not be unacceptable to your Lordships. Enclosed are likewise the Naval Officers accounts of vessels trading to and from the port of New York, from the 25th March last to the 29th of September. And the Naval Officers account for the same time for East New Jersey. As likewise the printed Acts and Minutes of the last Assembly of New York, with the Minutes of Council from the 25th Sept. 1722 to the 6th of July, 1723. I herewith send your Lordships an account current relating to the Lady Bellomont's concerns here, the five warrants therein accounted for, were provided for by the last Debt Bill in Brigadier Hunter's time, but the Assembly could not then be prevailed on to provide for some other warrants, which still remain unpaid, and which I shall endeavour to obtain when there is a disposition in the Assembly to pay the debts the Colony still owes to some persons. But the restriction on making paper money on any other account, than for support of Government, is a great discouragement to obtain such a payment of arrears, as My Lady Bellomont applies to your Lordships for. P.S.—I have got two addresses from the printer to send your Lordships, one in answer to my speech to the Assembly in New Jersey, which is printed on the same sheet. Another to obtain a Chief Justice on which being granted they doubled his sallary, and so he is to go the Cireuit, which the late Chief Justice Mr. Jamison was neither able to go for age, nor could afford to do it for one hundred pounds salary, which was all they could be brought to allow a Chief Justice residing in New York. The present Chief Justice Mr. William Trent is universally beloved, as your Lordships may observe by his being

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chosen their Speaker, and I doubt not, will answer my expectation in executing the Office. *Signed*, W. Burnet. *Endorsed*, Reed. 23rd Jan., Read 10th June, 1724. 11 $\frac{3}{4}$ pp. *Enclosed*,

792. i. An account of the number of people in the Province of New York A.D. 1723. *Total*, of white persons, 34,393; of negroes and other slaves, 6,171. *Details set out*, N.Y. Col. Docs. V. p. 702. *Endorsed as preceding*. 1 double p.

792. ii. Balance of a debt due to the Countess of Bellamont, Executrix of the Earl of Bellamont. Jan. 28, 1717. To ballance of account sent, Admiral William Caldwell, due to me, £223 19s. 1 $\frac{1}{4}$ d. 1718. By what is allowed (since the account sent) by the Generall Assembly for 5 warrants, £181 of which deduct for my trouble 5 per cent., remains ballance due to me this 14th July 1719, £52 0s. 1 $\frac{1}{4}$ d. *Signed*, A. D. Peyster. *Same endorsement*. *Copy* from Col. De Peyster's Book, 16th Dec., 1723. *Signed*, pr. John Spratt. *Same endorsement*. 2 pp. [C.O. 5, 1053. ff. 207-212v., 213v., 214v.-215v., 216v.-217v.]

Dec. 16. **793.** Governor Burnet to [?Lord Carteret]. *Acknowledges*
 New York. letter of 20th Aug. *Continues*:—I am extremely obliged to your Lordship for obtaining a confirmation of Capt. Symes' Commission, and a Commission of Lieutenant for Mr. Edmund Blood *etc.*, and for a Chaplain as I desired *etc.* I now enclose an account of the inhabitants *etc.* (encl. v), which the Sheriffs have prepared for their respective countys according to the returns made to them by the Constables, which if not perfectly exact, I believe are very nearly so *etc.* I have likewise enclosed a map of this Province, drawn by the Surveyor General, Dr. Colden, with great exactness from all the surveys that have been made formerly and of late in this Province, which are in his hands, and from the French map of the Lakes, corrected by some late informations, in those places that lye near this Province. I transmitted an humble Address to H.M. from the General Assembly of the Province of New York in June last, to Brigadeer Hunter, and beg'd the favour of your Lordship to introduce him with it to H.M.: But I find that it had the misfortune to arrive after the King was gone for Hanover. I have now transmitted one from the Province of New Jersey to the Brigadeer and beg the same favour of your Lordship, to introduce him to H.M. that he may have the honour to present it *etc.* I have herewith sent the last printed Acts for New York *etc.* *Refers to encl. iii and the Act of New Jersey for the support of Government there mentioned*. *Continues*:—I cannot explain the whole matter so well as I shall in the Spring, when the Act will be printed, to which I can then refer *etc.* *Repeats* postscript of preceding. *Signed*, W. Burnet. *Endorsed*, R. Feb. 3, 1724 $\frac{3}{4}$. 5 $\frac{1}{2}$ pp. *Enclosed*,

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793. i. (a) Governor Burnet's Speech to the Assembly of New Jersey, Burlington, 27th Sept., 1723.

(b) Reply of the Assembly. Disclaim responsibility for arrears said to be due to Lt. Governor Ingoldsby, being well assured that the taxes appointed for support of Government have been paid to persons appointed by the Governors for the time being *etc.* Signed, William Trent, Speaker. Printed. 2 pp.

793. ii. Address of the Assembly of New Jersey to Governor Burnet. Request the nomination of a resident Chief Justice. Signed as preceding. Printed. 1 p.

793. iii. Duplicate of No. 792.

793. iv. Address of the Governor, Council and Representatives of New Jersey to the King. With hearts full of joy and impatience to express it, we lay hold on this first opportunity to congratulate your Most Excellent Majesty on the timely discovery and providential disappointment of that most wicked and detestable conspiracy, lately carried on against your most sacred person and Royal family. If we have not the honour to be among the first in humbly addressing your Majesty on this joyfull occasion, we have the satisfaction to remember that at the time when these traiterous designs were forming in Great Britain this Province gave a singular instance of loyalty and zeal for the security of your Majesty's Government, by passing a law to prevent disaffected persons from propagating their pernicious principles among us. If the flattering expectations given by the conspirators in Great Britain did then encourage a few of their faction to intermeddle clandestinely in our publick affairs, they found us prepared with attention to detect and resolution to blast their seditious attempts. Our distance from your Royal Throne, does not render us wholly useless to the defence of your Majesty's Kingdoms, while our soil and our labour contribute to supply your Royal Navy, but we must in vain lament the small returns of service which we are capable of making for the many blessings we enjoy under your Majesty's wise, gentle and prosperous reign. When we consider that the establishing a general peace on a more solid foundation than ever was known, the obtaining a redress of all grievances endured on account of Religion and the removing uncharitable distinctions and animosities among Protestants, both at home and abroad, have taken their rise in your Majesty's Councils, and their success is owing to, and their accomplishment expected from your Majesty's firm and generous conduct, we should

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be unworthy of the character of men, Christians and Britons, if we had not the indignation and abhorrence of those who can be so unnatural as to disturb the reign of a Prince who is deservedly the Darling of the present age, and a pattern to posterity *etc.* *Copy.* 3 $\frac{3}{4}$ pp.

793. v. Duplicate of No. 792. i.

793. vi. Acts of New York, 1723. Printed and sold by William Bradford in the City of New York, 1723. 22 pp. [C.O. 5, 1092. Nos. 27, 27. i-vi; and (*duplicates of encl. i, ii*) 5, 972. ff. 82-83v.]

[Dec. 16.] **794.** Address of the Governor, Council and Representatives of New Jersey to the King. The original of No. iv *supra* Signed by Governor Burnet, 7 Members of Council and 15 Members of Assembly. *Endorsed, Presented Feb. 172 $\frac{3}{4}$.* 1 large p. [C.O. 5, 980. No. 42.]

Dec. 17. **795.** Council of Trade and Plantations to the Lords Justices.
Whitehall. *Representation upon* petition of Mr. Newman (*v.* 2nd Oct.), for military stores for New Hampshire *etc.* We have upon this occasion been attended by Governor Shute, and find that as that Province has not received any stores from the Crown since 1709, and has been for several years past, and still continues at war with the Indians, their Magazine is almost entirely exhausted. The duty of powder laid on the tonnage of shipping by an Act of that Province, 1702, upon all vessels going thither, which is the only means they have to furnish themselves with powder, has not been sufficient to supply Fort William and Mary by reason of their small trade, that duty not amounting to above 6 barrels of powder pr. annum. This Fort commands the entrance of Piscataway River, and thereby secures H.M. Naval Stores in that Province, the Government whereof is entirely in His Majesty. We would therefore humbly recommend to your Excellencies, that the supply of stores desir'd by the said Mr. Newman, may be sent for the service and security of this Province, the inhabitants, as we are inform'd, being so few and so poor, that they are not able to supply themselves. [C.O. 5, 915. pp. 398-400.]

Dec. 18. **796.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Robert Walpole. We have frequently represented the condition and importance of Nova Scotia, and offer'd our thoughts concerning such things as we conceived necessary to be done there, for H.M. service, and having lately recd. a very full Memorial from Governor Philipps *etc.*, we transmit a copy that you may be pleased to lay it before H.M., and receive his orders thereupon, in case H.M. shall think fit to order any further provision for this Province at the next Session of Parliament. *Autograph Signatures.* 2 pp. *Enclosed,*

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796. i. Governor Philipps to the Council of Trade and Plantations, upon the state and requirements of Nova Scotia (v. 28th Nov.). *Copy*. [C.O. 217, 31. Nos. 22, 22. i. ; and (without enclosure) 218, 2. pp. 39, 40.]

[Dec. 18.] **797.** Petition of Merchants of Bristol trading to Africa to the Council of Trade and Plantations. *Pray for repeal of Act of Virginia laying duty on negroes imported*, being in effect a prohibition of negroes into that Colony *etc.* v. 23rd Sept. 22 signatures. *Endorsed*, Recd. 18th Dec., 1723, Read 7th Jan., 1724. 1 p. [C.O. 5, 1319. No. 35.]

Dec. 20. **798.** Council of Trade and Plantations to the Lords
Whitehall. Justices. *Representation upon* petition for some Quakers imprisoned under two laws of the Massachusetts Bay, 1722, 1723. (v. 24th Oct.) We have taken into our consideration the former of the said two Acts, *etc.*, and should likewise have consider'd the other, *etc.*, but the same is not yet come to our hands. We have upon this occasion been attended by Richard Partridge and Thos. Richardson, who complain against the said Acts in behalf of the Quakers, as likewise by the Agents in defence thereof *etc.* The persons complaining against these Acts endeavour'd to prove that the encrease of the taxes for the Towns of Dartmouth and Tiverton in 1722, exceeding the preceeding year in £100 for Dartmouth, and £72 11s. 0d. for Tiverton were raised for the support of Presbyterian Ministers in those towns, and in proof [*of*] this have offered that the like sums were by the votes of Assembly of 20th June, 1722, desired to be issued for the Ministers of those towns respectively, but it does not appear upon the face of the Act, that these sums were raised particularly for the maintenance of such Ministers. And altho' it be true that the sums voted for these Ministers do tally exactly with the additional tax laid upon those two towns respectively for the same year, yet it does not from thence absolutely follow that the increase of tax on those two towns was raised for that particular only, because there is an increase of tax by this Act upon several other smaller towns within that Province and therefore altho' the presumption be strong, the proof is not conclusive, and as the people of the Massachusetts Bay are by their Charter impowered to raise taxes for the support of their Government, and as the preamble of this Act is agreeable to that power, we have nothing to object to the said Act : But we beg leave to observe to your Excellencies, that altho' we have not the Act of 1723 before us, yet it does appear by the votes of that Session, that the Assembly resolved "that the salary or allowance of an able, learned, and orthodox Minister for the town of Dartmouth, be £100, to be paid out of the publick Treasury, which said sum shall be added to the proportion of the said town in their Province-tax for the present year," and

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it also appears by the said votes, that it was resolved, “that an able, learned, and orthodox Minister be provided by order of this Court for the said town of Tiverton for the year ensuing, and that his allowance of salary be £72 11s., to be paid out of the publick Treasury, which said sum shall be added to the proportion of the said town in their Province tax for the present year.” Upon which occasion we think it our duty to represent to your Exeys. that by the Charter granted to the Massachusetts Bay, the foundation of this Colony was laid in an absolute and free liberty of conscience for all Christian inhabitants there, except Papists; But the *Presbyterians* having absolutely the ascendant in the Assembly of this Province, have assum’d to themselves the authority of an established Church, and would compel the Quakers even in the towns of Dartmouth and Tiverton, where they are infinitely the majority, to pay a large maintenance to Presbyterian Ministers, whom they call orthodox, for the service of some few Presbyterian families only. [C.O. 5, 915. pp. 393-396.]

Dec. 22. **799.** Mr. West to the Council of Trade and Plantations. Report upon 6 Acts of New Jersey passed in 1722. Offers objections to two, viz. *for preventing multiplicity of law suits, and recovering the debts of Isaac Emanuell, late absconded.* Signed, Richd. West. Endorsed, Reed. 31st Dec., 1723, Read 29th May, 1729. 3 pp. [C.O. 5, 972. ff. 179-180v.]

Dec. 24. **800.** *Same to Same.* Report upon 10 Acts of New Jersey, passed in 1719. Offers objections to two, viz., *to restrain extravagant interest, and for preserving of oysters.* Signed, Richd. West. Endorsed, Reed. 31st Dec., 1723, Read 28th Nov., 1728. 3 pp. [C.O. 5, 972. ff. 173-174v.]

Dec. 24. **801.** Governor Phenney to the Council of Trade and Plantations. *Encloses reply to Queries sent to him 26th June. Continues:*—The 9th Article of H.M. Instructions to Governor Phillips is the same with the 5th in my own Instructions, but the 14th and 15th Article of her late Majesty’s Instructions to the Lord Cornbury are what I never saw before but shall observe as near as the circumstance of the place will admitt. I thank your Lordships for your good opinion of me, and shall continue my endeavours to encourage this Settlement, and finish the fortifications *etc.* The motive that first induc’d me to request an Assembly was from the custom of H.M. other Colonys, and believing it would encourage others who had liv’d under that form of Government to settle here, as several have promis’d me speedily to do. I apprehend the greatest objection that may have been offer’d to your Lordships was in regard that a great number of the people that have of late inhabited amongst us, are those who had the benefit of H.M. most gracious pardon

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for pyraey : possibly your Lordships may think proper to make some restrictions against that sort of people in particular. But as they are rambling people and very few have taken up any lands, I humbly propose that every person that shall be capable of being elected shall hold by patent at least 200 acres, and none to be electors in the Town but house-holders, and none for the country but such who hold by patent at least 50 acres. This may be augmented as the Settlement encreases. We having but one town call'd Nassau the seat of Government and Trade I humbly propose there may be eight Assembly men for that place, four for the Eastern District, four for the Western, four for the Island of Islathera, and four for Harbour Island. As your Lordships have been pleas'd to take notice of my representation of the Spaniards ill treatment of H.M. subjects here, so I shall continue my advices when any future occasion offers. I beg your Lordships' good offices for a sett of small arms and accoutrements having found very few fit for service at my arrival being lost and spoil'd in the late Governor's time, as like wise such stores of war as your Lordships will see we want by the enclos'd papers *etc.* P.S.—I have just now receiv'd an account by a vessel that spoke with some Spaniards on the coast of Cuba, that the Havana is demolish'd by a hurricane, the Churches and all the houses of any eminence being thrown down, and many people kill'd, and the survivors in great want of provisions. *Signed, G. Phenney. Endorsed, Reed. 16th May, Read 16th Aug., 1724. 1 $\frac{3}{4}$ pp. Enclosed,*

801. i. Account of stores of war of the Bahama Islands, Nov. 21, 1721—Jan. 1st, 1724. *Signed, John Tate, Gunner, William Shott, Stewd. Endorsed, Read 16th May, 1724. 3 pp.*

801. ii. Account of Revenue of the Bahama Islands, 30th April, 1722—24th Dec., 1724. *Total, cash received, ps. $\frac{8}{8}$ 946 10. Deficit, 265 .4 $\frac{3}{4}$ ps. $\frac{8}{8}$. Same endorsement. 2 pp.*

801. iii. Replies by Governor Phenney to Queries by the Board of Trade (v. 26th June, 1723) (i) Trade. *Repeats* March 2nd. *No. vii. Adds* :—Here begins to be a demand of palmeto tops for platts from Bermuda, they becoming very scarce there. List of vessels belonging to this Government. 14 sail, totalling 139 tons. About 100 seafaring men, rather encreasing. (ii) List of goods, chiefly wearing apparel, hardware and provision annually taken from England. *Total, £2320.* (iii) The greatest trade is to S. Carolina, bartering our fruit for provisions. Some of our vessels go to Jamaica to be there employ'd during the gathering of their crop of rum, and sugar carrying salt and braziletto, and bring back the produce of that Island. There has been but one vessel this last year fraught

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with beef for the garrison from Ireland and wine from Madera. The traders from N. England, N. York, Rhode Island, and Bermuda return laded hence with braziletto, madera plank, lignum vitae, turtle shell *etc.* (iv) All necessary methods are us'd in this port by the Collector to prevent illegal trade, but there being several out islands where ill dispos'd persons may find conveniency for running goods, and there being no proper vessel allowed for the Collector to visit such places, tho' both the Governor and he have represented the want thereof to the Board of Customs, their care it may be presum'd is not wholly effectual. (v) The natural produce of the Islands is large sugar canes, the finest cotton in the world, fine Madera, mahogany, cedar and pine fit for building of vessels, manchineel, prince wood, lignum vitae, brown ebony of a strong rhodium scent with great quantitys of braziletto, fustick, and other dying woods, senna, gumelmi, guiaecum, mastick, and several other gums and medicinal drugs. The palmeto trees afford as good platt as on Bermuda, with which view I have invited and expect some of those people to make essay thereon. The land produces most sorts of provisions for families, various sorts of fine fruits, the pine apples here being of the best kind in America. On Exuma, and several other Islands large quantitys of salt are naturally made every year sufficiently to supply all H.M. plantations. (vi) No mines yet discovered, the major part of the Island inwards not being opened. (vii) Repeats part of *No. v.* (viii) Number of inhabitants: about 500 whites and 250 negroes on Providence; 200 whites and 40 negroes on Islathera; and about 130 whites and 20 negroes on Harbour Island. (ix) The inhabitants have encreased, and more are dayly expected from Bermuda to build vessels and make platt and secure what lands severall have claim for here. (x) The Militia consists of 3 companies on Providence, two on Islathera, and one on Harbour Island. (xi) Fort Nassau is the only fortification on Providence. *Describes new building as in previous letters. Continues:—*There is a small thing called a Fort at Harbour Island but out of repair, and an entire new one necessary. We proceed on these works as fast as our small revenue and number of hands will enable us, but I humbly hope your Lordships' representations to H.M. will procure us such assistance as these fortifications so necessary for the security of these his Islands, may be finished with the utmost expedition. (xii) Having little correspondence with

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the French or Spaniards, am not able to answer. (xiii) The French Islands lying far to windward, am not sensible of any ill effects from them. (xiv) The Revenue arising from tonage of shipping and importation of wine and rum, and fines of the Courts, and appropriated towards answering the contingencies of the garrison and fortifications amounted these two last years only to p. $\frac{8}{8}$ 910.7 rials. The lessees of the Lords Proprietors claiming and receiving the tenths of wood cut, salt raked and other adventures. (xv) What grants have been hitherto made were by virtue of the Lords Proprietors lease, and in the lessees' names, and the quit rent reserv'd to themselves. Mr. Gohier, (*v. C.S.P. May, 1722*), one of the lessees having carried home the books prevents my giving a better account of the lands granted or ungranted, but hope shall be more particular next year, having summon'd the people to give me account for that purpose. This Island is about the bigness of Barbadoes. (xvi) The charge of the Independant Company to the Crown is £1821 19s. 2d. being on the lowest establishment. There are no salarys settled for the Civil Officers. The extraordinary for contingencys for the Garrison and fortifications amounted to 1153 $1\frac{3}{4}$ p. $\frac{8}{8}$ at 4s. pr. $\frac{8}{8}$. (xvii) The Governor, Council (names given *v. C.S.P. Aug. 10. No. iii*). Thomas Granger, Ch. Justice; Willm. Fairfax, Judge of Vice Admiralty, Secretary and Collector; John Howell, Attorney General; Saml. Lawford, Provost Marshal; John Warner, Naval Officer and Register of the Court of Admiralty; Willm. Davis, Marshal, Admty.; Peter Goudet, Clerk of the Crown; Robt. Hawkes, Clerk of the Market. The Chief Justice, Judge and Register of the Admiralty Court, hold by patent; the Collector by warrant from the Board of Customs. Patent applied for for Secretary. An Independant Company. *Same endorsement. 7 pp. [C.O. 23, 1. Nos. 54, 54. i-iii.]*

Dec. 24. **802.** Governor Phenney to Charles Delafaye. *Acknowledges* letter of 17th July *and refers to* public papers and copies of trials of pirates already sent *etc. Signed, G. Phenney. Endorsed, R. 14th May. $\frac{3}{4}$ p. [C.O. 23, 13. ff. 137, 138v.]*

Dec. 24. **803.** *Same* to Lord Carteret. I hope the letters I sent by Mrs. Phenney came safe to your Lordship, tho' she to my misfortune had not the honor of seeing you. One motive of my sending her was that I might here some papers were certainly deliver'd having been very ill us'd by the person thro' whose hands I generally convey'd them, which has occasion'd my being

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blamed for neglects of which I was not guilty. *Refers to enclosures. Continues* :—We have had a very hot summer and a great deal of sickness thro' the Island, that one third of the Garrison has been down at a time which has been a great obstruction to our works. The vast consumption of lime and stone, and want of carriage put me to incredible difficulties, but I am now going on again. King George's and my Lord Carteret's Bastions are finish'd, and we are beginning another to the S. Wt. which will in a manner compleat the outworks. I have enclosed a draft of the Fort the only one I have yet done, fearing lest Mr. Barker who promised me to lay one before your Lordship has not been so good as his word. That person was brought hither and recommended as one of H.M. Engineers and a man of probity by Governor Rogers in their way as they first pretended to Sta. Lucia, and he had address enough to impose upon me so far that I believed it when I mention'd him to your Lordship, but having heard since by good hands from Bermuda and home a character quite the reverse, I am oblig'd in duty to let your Lordship know it, tho' I blush whilst I am doing it, lest he should have an opportunity thro' my means to tell your Lordship any untruths in relation to this place. *Begs* his Lordship to give orders for the small arms, accoutrements and ammunition needed, according to enclosed account. *Continues* :—The remaining Palatines are now by my assistance in a very flourishing condition and get money by supplying the markets here with several necessaries. They are a very industrious people and I could wish for a great many more of them, the land here being capable of cultivation, and as your Lordship will observe by the papers enclosed what this country produces, so the situation is certainly most proper for carrying on a profitable trade if people will be on the spot to intend their own affairs, but trusting to Agents who were men of little knowledge and less consideration has been the chief reason of some miscarriages here *etc.* P.S. *Repeats P.S. to preceding* covering letter. *Signed*, G. Phenny. *Endorsed*, Rd. 14th May, 1724. 2 pp. *Enclosed*,

803. i. Duplicate of No. 801 iii.

803. ii. Draft of Fort Nassau. *Endorsed*, Rd. 14th May, 1723. 1 large p.

803. iii. Account of Stores of war wanting for Nassau. *Same endorsement.* 2½ pp.

803. iv, v. Duplicates of Nos. 801. i, ii.

803. vi, vii. Duplicates of Nos. i and iii. [C.O. 23, 13. ff. 139, 139v., 140v.—144v., 147—150, 151v., 152, 153—154, 155, 155v.]

Dec. 25. **804.** Petty Expenses of the Board of Trade, Sept. 29—Dec. 25, 1723. v. *Journal of Council.* 5 pp. [C.O. 388, 78. ff. 75, 76, 79, 80, 83, 84.]

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Dec. 26.
Boston in
New
England.

805. Address of the Lt. Governor, Council and Representatives of the Massachusetts Bay. Your Majesty's Government of this Province after much and long bearing with the hostilities of the Indians inhabiting the Eastern parts of this Province and towards Nova Scotia, found themselves at length under a necessity of proclaiming the said Eastern Indians rebels, traitors and enemies to your Majesty; and accordingly in July, 1722, issued out *enclosed* Declaration of War *etc.* In the prosecution of this warr, your Majesties Government here, considering the strict alliance between your Majesty and the French King, justly expected the friendship, or at least the neutrality of the French Government of Canada; and for that purpose even before the war began, tho' under the expectation of it, your Majesty's Governour of this Province, by a letter expressed for that purpose, acquainted Monsr. Vaudreuil the French Governour of Canada, with the barbarous insults of the Eastern Indians; earnestly pressing his friendship to this Government on that occasion, agreeable to the Treaty of Utrecht, more especially the 12th and 15th Articles thereof; But to the great surprise of your Majesties Government, and as they conceive contrary to the said Treaty of Utrecht, the said French Governour not only encouraged and supplied the said Indians, but also rewarded them for their invading and insulting your Majesties good subjects inhabiting the frontiers, more especially in their hostile appearance at George Town on the Island of Arowsick in the year 1721, when the said Indians were headed by a French Officer, accompanied with two French Jesuits *etc.* Refer to *enclosures*, "which were happily taken at one of the Indian villages, and in the lodgings of the French Jesuit." [*etc. cf. March 13, 1722.*] This conduct of the said French Governor, was so very unaccountable that your Majesties Government of this Province, thought it proper to send him a second letter by way of remonstrance upon that occasion; In answer to which, the said French Governour had the assurance by letters to this Government in express terms to say that he had such orders from his Master that would justify him in every step that he had taken in that affair, particularly in supplying the said Indians with arm's and ammunition, defying any complaint that should be made against him upon that account. And in a letter which your Majesties Lt. Governour very lately received from the said French Governor, by two French officers that came express from Canada, he declares in stronger terms yet; that sooner or later, he shall be obliged to engage in their quarrel: And to confirm it he does upon all occasions very much encourage the Indian enemy, when they bring into Canada any of the scalps of your Majesties good subjects slain by them. Besides which, when ever this Government have been endeavouring by messages and treaties to bring the said Eastern Indians to a true sense of their injustice and barbarities

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in a proper submission to your Majesties Governmt. that so we and they might live in Peace, the said French Governor has ad[vis]ed them to the contrary, and by his arts and influence has hitherto prevented it, and very much by imploying and encouraging of Jesuits among them. And a few months since the said French Governour has armed and excited a great number of the Canada Indians, even beyond their inclinations, to make an Expedition of some hundreds of miles, who actually attacked an English town upon our Western Frontiers killing and carrying away captive your Majesties good subjects. These proceedings of the said French Governor, your Majesties Government of this Province look upon themselves in duty bound to represent to your Majesty and most humbly to supplicate, as for your Majesties wise and powerful interposition in order to prevent the like treatment for the future, so for your most gracious favour and compassion to us under the present distress of a war, which was at first engaged in for your Majesties honour and our own necessary defence. And that your Majesties most loyal and dutiful subjects of this Province, may happily obtain your Royal care and goodness to them in this great affair, we humbly represent to your Majesty, that the claim or pretension of the French Governour to the alliance of these Indian Tribes is manifestly unjust and groundless; for that the principal places of their residence are undoubtedly within your Majesties territory's, and cannot possibly fall within the French Boundaries. Besides which the said Tribes have frequently and solemnly as well in former, as later times by Treaties for that purpose, put themselves under the protection of the Crown of Great Britain, and your Majesties Government of New England. That your Majesties Government of this Province, are under such discouragements in prosecuting the war, by reason of the Indian enemys retiring to the French Settlements in Canada, as soon as ever they have committed their ravages and barbarities in our Frontiers, that unless the French Governours in Canada, by your Royal influence, be restrained from giving any protection or assistance to them for the future, we can have but little hopes of success in the war, or of putting a speedy and happy end to it. That the plain design of the French Governour in all this management is to deprive your Majesty of your just Dominion over those Indian Tribes; your undoubted right to their allegiance, and if possible to seduce and carry them over to the French interest. By this method also he hopes to prevent your Majesties subjects from settling those parts of the countrey, and to sett up a title to it in the French Crown, his success therein would be an unspeakable loss and damage, not only to your Majesties rightfull and extended Dominion in North America, and the several Provinces and Governments thereunto adjoining; but also soon prove very

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prejudicial to the trade and commerce of Great Britain *etc.* *Signed*, By Order, Josiah Willard, Secretary. *Endorsed*, R. in March, 172 $\frac{3}{4}$. 1 large p. torn. *Enclosed*,

805. i. Alexander Hamilton's relation of Monsr. Vaudriel's proceedings whilst he was prisoner at Canada. Sworn before the Lt. Governor and Council, Boston, 7th Dec., 1723. Halfway House on Kennebec River, June 14th, 1722. This night at ten a clock Alexander Hamilton was besett at his dwelling house by a great number of Indians, with divers canno's, who took said Hamilton out of his bed, and tyed him and fell a plundering his shop and warehouse until they left nothing. *After a dispute amongst the Indians as to whose prisoner he was, he was put in a canoe and proceeded to Norridgewack and stopt at the Chapps of Merry meeting Bay, where were a great number of captives in the House of Capt. Robert Temple, they having robb'd sundry houses that night, and brought the owners and families captive. Next morning, the Indians chose five persons out of the said captives, vizt. Zachariah Trescott, Alexander Hamilton, Henry Edgar, Robert Love and William Handsord, and having stript the rest let them go. And suddenly the whole body of Indians being forty two in number all arm'd and painted for warr attended with 19 canno's were ordered by Wewarena, an Indian, who was their Commander to embark for Norridgewack, and setting fire to Capt. Robert Temple's house went off, and landed presently at Abagadasset Point, where there was dispatcht a number of Indians to rob a house belonging to Mr. John Jeffries. Said Indians returned greatly loaden, and threw that plunder along with the rest, which they had landed in one heap, and so divided the spoil, and then imbarqued again, and proceeded up to Swan Island House, where appeared a number of soldiers. The Indians ordered Hamelton to hale the English and desire them to come to the shore, two of which immediately came, and talked awhile and so went off : as also the Indians without doing any damage, save killing one dogg and cutting a hole or two in a whale boat *etc.*, so proceeded to Richmond Fort, whom Hamilton hailed and begged they would not fire upon us *etc.* Some of the soldiers came out to us on the parole of the Indians, and talked awhile. The Indians told them they need not be afraid, for they would kill none ; but the Governour of Canada had given them orders to take captives in lieu of theirs whom the English wrongfully detained in Boston *etc.* We went off, and arrived at a place*

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called Browns Farm, where we slept that night, and two days after got to Norridgewack where we were received with great joy by a number of squaws papooses and the Jesuit. *Norridgewack, June 21st, 1722.* Two Indians were dispatcht away to Canada, with an account of the Indians taking of five captives as also burning one house and robbing of several families, and killing of many creatures. *July 22.* The two Indians returned and reported they were kindly received by Governour De Vaudreuil and shewing the presents he had given them, for carrying the agreeable news of this action being a blue laced coat and a silver meddal, which was sent to another Indian named Carabousset, as also commissioning him Captain for his distinguishing activity in that Expedition. The 29th day arrived here Captn. Moses Moxus, or King at Norrincoook from Canada, and brought great quantities of tobacco, and told us, he was sent from Quebec with great honour, and had the respect of having the guns firing and trumpets sounding upon his departure. *Sept. 3rd.* This day arrived several cannos from Canada bringing French Mawhawks who live within 3 miles of Quebec at a place called Lorret. They joyned more of their Nation who had been here before, who made in all 35 and brought 3 casks of powder and a great quantity of tobacco. On their arrival, at one of their dances Alexander Hamilton was made a present of to them as a slave forever, as a reward of their fatigue in coming to assist in the war. *17th day.* The above Indians took their departure with their above slave Hamilton bound for Canada, and at several carrying places the sd. Hamilton observed them raise out of the ground sundry quantities of meal, pork and tobacco, which they had been supplied with from the Governour of Canada for that Expedition. *28th day.* The Indians and Hamilton arrived at Canada, and went by the town of Quebec without calling, but great hooping and hallowing of the Indians, and the Captain of them had a scalp in the nature of a Jack in the head of his canno, which was got at the onsett at Arowsick. *29th day.* The Indians and Hamilton marched into the Town of Quebec having assembled the whole Indians belonging to that Tribe living at Lorett as aforesd. and moving procession like with that scalp on one end of a long stick, Hamilton the captive marched after all the Indians who went one after another making great hooping and hallowing, which gathered all the mobb and people in the Town and with an infinite number

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of spectators were conducted to the Governor who received the Indians very cheerfully, and congratulated them, and immediately sent for an Interpreter, who related their success and for their reward in assisting their Brethren the Eastern Indians, they the said Eastern Indians had made a present of that captive as a slave shewing the said Hamilton to Governour De Vaudreuil, which they further added not only contented them but also made an atonement to sd. Eastern Indians for a hostage called Brasaway who dyed in Boston, and also declared their further intention that they would dispose of said Hamilton to an Indian Squaw seventy five leagues distant from Quebec in order to be her slave she having lost her husband in the former war with the English. All which was related before Governour Vaudreuil who gave his concurrence and wrote a note by the Indians to the King's Bakehouse, ordering every Indian there present a loaf of bread and a considerable quantity of tobacco, and so dismiss them. After the receipt of which, the Indians, and said Hamilton marched after the usual order to their Town and were received there with much Indian ceremony, the said Hamelton continuing there in a very melancholly condition for about fourteen days and then got liberty to go to Quebec, in order to beg for as much money as would buy them shoes and happened to meet with a Lady who took compassion on him, and sent an Interpreter whom she desir'd to ask if sd. Hamilton would live with her if she should get him released from the Indians. It being so agreeable an offer was soon embraced by sd. Hamelton. And in some short time after the Lady made interest among the Jesuits and the Governour who suddenly got him released from the Indians, and entertained him the whole winter. *October.* All the numerous families of Eastern Indians withdrew from Norridgewack and wintered at the Town of Wewanaek and St. Francis, the former being 30 leagues distant from Quebec up the River, and the latter 42. At their arrival were presented with 500 bushels of Indian corn and four oxen. *Quebec, Feb. the 4th day.* Arrived here Abomazeen Wewarana Westamint, Capt. John and several other Indians from Weewanuck who were conducted to the Governor by one of the Jesuits that headed the numerous army of Indians at Arowsiek in 1721 they were received very kindly and entertained while in Town plentifully, and sent off with a quantity of blankets, new guns, their old repaired and a consider deal of ammunition, together with presents

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of laced capp to Weewarena, and sundry presents to the rest some of them as they said were bound to the great pond distant from Quebec S.S.E. about 150 miles where they and several others and the Jesuit winter'd. *March the 5th day.* Arrived here from Norridgewack Wesememis als. Cap. Job Abagahansetts son and sundry other Indians who were conducted by the Jesuit, and received with all marks of favour by the Governour and while they stayed in town entertained plentifully and had sundry presents, and were fitted out with quantities of ammunition all their guns repaired, and some new ones given them, and so departed. *March the 15th day.* Departed hence twelve of the aforementioned Mohawks known here by the names of Loret Indians directly bound for Norridgewack who were fitted out with all necessaries for war. *The 20th day.* The said Hamilton being desirous to go to Mount Royall in order to get home as soon as the Lake was clear of the ice, acquainted the Govr. who said he should not go until he heard from New England, which hindred his intended journey. *April 19th 1723 N.S.* A son of Colo. John Schuyler of Albany arrived here, who made inquiry for the English captives, who was informed there was two of them in town, namely Hamilton and Handsord, *etc.* They desired him to speak to the Governour in their favour, who readily undertook it, and prevailed for Hamilton to go directly home, but for Handsord, the Governour said, he could not answer that to the Indians for letting their prisoner go, for the sd. Handsord was only left in trust with a French Gentn. in Town, and when ever the Indians demanded him, sd. Gentn. was lyable to produce him; But the Governor added to shew his willingness to oblige Mr. Schuyler, that he in his way to Mount Royal where he was suddenly bound was to meet with a great number of Indians at a Town called Troi River, and there he would speak in favour of said Handsord to the Indians, and endeavour to get him returned; and desired sd. Schuyler to take said Handsord in his canno along with sd. Hamilton that length *etc.* *They accompany* the Governor to Troi River, where was a great quantity of Indians assembled and several Jesuits, all whom held a great Council, the Governour making his request in favour of Handsord, had it readily granted by the Indians, and some of the Head Indians attended the Governour to Mr. Schuyler's lodging, the Governour told him he had prevailed for said Handsord, the Indians taking said Handsord by the

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hand, delivered him to the Governour as a present. The Governour presently after embarked and next day sd. Handsord and Hamilton proceeded after him to Mount Royal, and when arrived there the sd. Mr. Schuyler placed sd. Hamilton and Handsord in a lodging, and told them he should not go in 14 days, but contrary to expectation the sd. Schuyler was ordered out of the countrey the next morning, and was told by sd. Governor he should not take the captives along with him. The sd. Hamilton and Handsord meeting with a gentleman named Deautell who could speak English, made known their condition to him who answered he had formerly received great friendship in New England; and in return he would let them want nothing; and accordingly took lodgings and got them cloaths *etc.* *St. Francis May 22, 1721 (sic).* A Great Council was held there by the Eastern Indians who concluded to bury their ax, and accordingly performed it; and at sd. Council to shew their willingness to come into a Peace with the English, concluded to send three of their English captives, home, namely Hamilton Handsord and Trescott, in order to which they brought sd. Trescott on 29th May to Mount Royal *etc.* The next day they held a great Council in the Governours hall where were present the three Governours vizt. De Vaudreuil, Deramsey and Languile several Jesuits and Gentn. before whom they discovered their intention with respect to sending home the English captives which was presently discountenanced by the sd. Governours especially Governor Vaudreuil, who told them they had sent 40 or 50 captives home to the English when first the war begun, and desired them to declare how many of their captives they had reced. in return (the Indians answer'd none). Therefore says Governour Vaudreuil I think it a peice of inadvertency of you to trust the English generosity by sending these captives to them until you first have yours delivered here which speach took with the Indians and stopt the delivery of sd. captives and Tresecott was ordered down to St. Francis to his wigwam. *Their friend M. Deautell spoke on his behalf,* saying he admired that the Governor suffered King George's subjects to be tossed about Canada by the Indians with such barbarity, contrary to the Treaty of Utrecht *etc.*, whereupon the Governor ordered him to depart the town and go to Quebec. May 30th the Indians and Trescott went from Mount Royall bound for St. Francis, and before his departure, declared to the English captives, that they would do

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anything to send them home, but could not for the Governour of Canada. *June 2nd.* Two Indians named Abraham and Abagahamak were dispatched to Albany. *June 10th.* Eleven of the Lorette Indians returned to Mount Royall and declared they lost one of their number, but brought in seven English scalps; being Indians which were fitted out from Quebec the 15th of February. *June 15th.* Twenty Indians arrived here from Lorette, and were fitted out with all necessaries for war, and in two days took their departure for the Eastward of New England, in order to revenge the blood of the man they had lost at North Yarmouth the last spring. Four canoes with eight Indians arrived here from New England, and brought three scalps and presently departed, having first received some presents. *Mount Royal, July 8th, 1723.* Abagahamak (*v. supra*) returned and was immediately hastened away by the Governour to Cahanawagan a town of Mohawk Indians distant from Mount Royall four leagues up the River. And at his return informed the captives, that he had a message from the Governour desiring the aforesd. Indians to aid the Eastern Indians; for the English had engaged the five Nations of Mohawks against them; and likewise said the Indians intirely declined it, and was resolved to stand neuter. *July 9th.* Hamilton having a former promise of the Governor of Canada, that upon the first news he had from New England he would let him go home, upon the return of a message from Albany, *asked H.E.* to let him go home. The Governour answered it was unreasonable of him to expect he should let him go, considering the English had engaged the five Nations of Mohawks to come and kill his Abnakees *als.* Eastern Indians. And in a great passion very much blamed the English for their extravagancy in giving one hundred pounds beaver for one scalp and sixty pounds for a prisoner. Hamilton hoped H.E. would not resent the step the English took to justify themselves on him, in regard he had been the main instrument of getting him clear from the Indians *etc.* H.E. refused to let him take a passage to Europe, and when he told him his credit was exhausted, answered his maintenance was none of his business. *July 10.* Mr. Dotell arrived from Quebec, and went to pay his respects to H.E., who ordered him directly to go *etc.* *July 30th.* Governor Vaudreuil sent for Hamilton and embarked with him for Quebec *etc.* On the 15th arrived at St. Francis where was a great number of Indians together with a Jesuit drawn up on the shore,

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expressing their joy by a dance for H.E. safe arrival ; presently after they held a Council, and as soon as it was finished, said Hamilton was ordered to come before them, and desir'd by H.E. to give attention to what the Indians said, and relate it to his Governour and Council when he should go hence. The said Hamilton made answer he chose to take in writing by reason it would be too burthensome to his memory. The Governor desired him to go next day and take the Interpreter along with him to the Indian Town where the Jesuit lived, and he would repeat the whole sentiments of the Indians which they told to him, as also his willingness to assist in making a Peace for the English. Hamilton enquired if there should be a cessation of arms until he got home to inform his Government of what was proposed by the Indians ; and H.E. turned to the Jesuit whose opinion he wanted, who immediately shew his dislike, and instantly answered Hamilton the war must go on. *Wanagungus the 16th day.* This morning the Interpreter and Hamilton got here, and with much difficulty obtained the Indians' Speech to be translated into English, but the Jesuit would have it after his manner of broken English, least he should add more than the intent of the matter mentioned, and was so exact, that he took the copy of what was drawn up by sd. Hamilton. The same evening Captain Nathaniel an Eastern Indian and Hamilton happened to discourse on several passages. Nathaniel told said Hamilton that he in some few sleeps would visit the western parts of New England with the army that he saw the day before at the Council which consisted of between 50 and 60 men. Hamilton declares that the ammunition and bisket (as he has reason to believe) were brought into the canno from Mount Royall for to fit out the said Indians for that Expedition, as also a fat cow ordered them at St. Francis for the same purpose. *July 18th.* Sett out for Albany in company with three Indians and arrived the 17th July at Fort Chambly. Hamilton shewed his passport to the Commander there, and so proceeded towards the Lake. The 19th July we met with four Indians with four Indian kannos laden with beaver bound for Albany, and about 10 a clock at night were questioned by a large canno manned with eight soldiers, who imagined we had been laden with beaver bound to Albana which trade by the Law of Canada is prohibited, and demanded a passport which was produced and perused by them and Hamilton and Compa. was dismiss. *July 21st* Hamilton observed

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one of the Indians perusing a paper which was wrote in Indian, and demanded what it was. The Indian made answer it was a Speech from the Governour of Canada and the Indian Council which was lately held at St. Francis, which Speech he was to deliver to the Mahawks, and that his order from the Governour and Jesuits was first to go to the Mahawks Countrey and then to proceed to Albany with Hamilton. *July 22nd.* We met on the Lake two cannos with several Indians on board having a great quantity of barque for canno's. One of which Indians told Hamilton in English, that all the old Indians were for peace, but the young men were for war, as also the Governour of Canada as the Depont. understood. On the 23rd we arrived at the Head of the Lake Superiour where were several Eastern Indians with whom we had a long Conference, who perswaded our Indians to go first to Albany and after to proceed to the Mohawks, assuring them and Hamilton that the road they were taking would be more fatiguing of the the two. Upon which they proceeded to Albany where we arrived the 17th O.S. and were received kindly by Coll. Schuyler, who informed Hamilton that several Commissioners from Boston had lately been there, and that they had a promise from a great number of Sachems belonging to the five Nations that they would meet in Boston in 60 days together with the Eastern Indians in order to make a Peace. Hamilton assured Coll. Schuyler that none of the Eastern Indians would attend there, giving them his reasons and informing him, that the Indians Speech with the Governor of Canada to our Government was quite the reverse. By Collo. Schuyler and Mr. Jacob Wendell of Boston mercht. their advice, the Commissioners for managing the Eastern affair at Albany were made acquainted with the premisses; and Hamilton informed the Commissioners, that one of those Indians which conducted them from Canada had a Speech from the Governour of Canada, Jesuits and Eastern Indians, and that he was of the opinion, if care were not taken, would oversett what the Commissioners of Boston had transacted with the Mahawks. Whereupon the sd. Indian was questioned closely concerning the same; who at first denied it, but soon after confessed the fact, upon which the Commissioners resolved to send an Interpreter with the said Indian to hear the Speech and to hinder the Mawhawks from breaking their word to the Boston Commissioners, which after three days they dispatched with the said

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Indian, and Hamelton was advised, by Collo. Schuyler and Mr. Wendell to wait until news of the reception and return of the sd. Indian, which they judged was highly convenient to be brought to the Governour at Boston. Hamilton waited 18 days for the answer, which was that the Indian had brought two peices of wampom, which he presented to the Mohawks, and begun a speech which was put to an end by the interruption of one Hendrick a Head Sachem of the Mohawks, who bid the sd. Indian to return, and if he had anything to say to come to Boston and there they would hear him, and upon failure, they would take him by the hair. *Aug. 5th.* Hamilton took his departure for Boston, attended by an Indian sent pr. Collo. John Schuyler, as also a horse as far as West-field *etc.* There Capt. Ashley procured him a man and two horses to conduct him to Boston, where he arrived 12th Aug., and the next morning waited on H.E. and informed the House of Representatives of his conference with Capt. Nathaniel *etc.* on Aug. 16th. N.S. Boston, Sept. 23rd, 1723. Monsr. La Longue informed Hamilton that M. de Ramsey told Philip Schuyler at his departure, that had not Monsr. De Vaudreuil been then present in Mount Royall, he, M. de Ramsey, would have sent him to goal. Le Langue attended Mr. Schuyler, as the deponent imagined after he had got his discharge to leave the countrey in the nature of a guard until he took his departure from Mount Royall; immediately after which he the said la Langue posted to the house of Monsr. De Vaudreuil and informed H.E. that Schuyler was gone, *etc.* *Signed,* Alexander Hamilton. *Copy. Attested,* J. Willard, Secry. *Endorsed,* Rd. in March 1723 $\frac{3}{4}$. 19 $\frac{1}{2}$ pp.

805. ii. Copy of Governor Shute's Declaration of War against the Eastern Indians, 25th July, 1722. v. July 27th, 1722. Encl. i.

805. iii. Governor Shute to M. de Vaudreuil, Governor of Canada. Boston, July 21, 1721. Being informed that your Excellency has orders sent you immediately to release the English captives that are in your hands *etc.*, I need not observe to you how agreeable it is to the Law of Nations and the strict allyance between the two Crowns (which God long continue) that the remnant of the captivity of this Governmt. should at length be returned; and I perswade myself you will be glad of this occasion of shewing your justice and humanity in this matter; I would acquaint you that this Government has lately been insulted by our

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Eastern Indians without any provocation and contrary to their own repeated and solemn stipulations and treaties, a number of 200 of them entring in a hostile manner into an English town under French colours, and treating the English inhabitants after a very insolent manner. This is such a breach upon H.M. Government to which these Indians have subjected themselves, as we shall by no means endure, and are determined to have satisfaction for: I the rather acquaint your Excellency with this affair because the Indians were headed by two French Officers, one of them said to be from Canada (his name I have lost) and two Jesuits: This last circumstance, I look upon as an infraction of the Treaty of Peace and Friendship between the two Crowns concluded at Utrecht, unto which I assure myself you will most strictly conform; and therefore I do very earnestly desire you would enquire after this Officer and proceed with him according to his deserts; and also that you will do your part to recall Monsr. Rallé and the other Jesuit from residing in any part of the territory belonging to the Crown of Great Britain so contrary to the Treaty aforesaid, H.M. Laws at home, and the Laws of this Province. And in case any of our Eastern Indians should make their application to your Excellency you will use your influence and advise them to behave loyally and peaceably towards H.M. Government wherein they be, that so the English people on the frontiers may live in peace and not be troubled and abused by the salvages; and in case the present rupture with the Eastern Indians should come to a warr, I shall then notify your Excellency of it, and expect your friendship and assistance.

Signed, Saml. Shute. Copy. 2¼ pp.

805. iv. *Same to Same.* Boston, March 14, 1721(2?). In the month of September last, I did myself the honour of writing to you a letter by the way of Albany, which I hope came safe to your hand; however for fear of a miscarriage, I have now sent you a copy of it. Therein you will observe the great confidence I had at that time in your justice and friendship with respect to the Indians at Norrigewaek, but I am sorry to find I was so much mistaken; you have convinced me by letters under your own hand, that I was in the wrong to expect the least service from you upon that occasion, for it appears over and over again, that the hostile appearance and insolent behaviour of the Indians at Arowsick in the summer last past, was not only with your allowance but even of your projecting from the

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beginning; and your approbation of it afterwards, that you excited them to it, supplied them in it, with officers and stores of war, and after all was done, mightily applauded and rewarded them, and least they should be at a loss what to say to the English, you even put words into their mouths, and prepared Instructions for their conduct in that affair; I must needs say, Sir, I should not easily have been brought to believe these things of a Gentleman, a Christian, and a Governor of a French Colony, and who as such, is obliged to live in peace and friendship with the English Government; But what shall I say? I have your original Instructions, and letters now before me, as you may see by the copies of some of them, which I now inclose; the originals I shall send home to H.M. my Great Master; you do indeed suggest, that you have orders for what you have done or shall do further in this affair; His Majesty will soon discover the truth and validity of that pretence, and how agreeable your conduct has been both to the letter and spirit of the Treaty of Utrecht, more especially to the xiith and xvith Articles: Is it thus, we are to imitate the examples of our Masters at home, who live in such strict alliance and friendship? Should I have offered to stir up the Indian tribes at St. Francois or Besancourt, or any other within the bounds of your Government to commit such affronts and hostilities to the Govermt. and people of Canada, would you not justly and greatly have complained of it *etc.* I could easily convince you how very much you are in the wrong to concern yourself with an Indian tribe that are settled upon one of the principal rivers of New England, that live in the neighbourhood of our English towns and garrisons, and until very lately have constantly conversed and traded with them, and pass by the English Settlements every time they come to the sea for their Fishery, and their lands or place of settlement must of necessity fall within the English Pale or Territory, inasmuch as the Crown of Great Britain have now the Right and Dominion of Nova Scotia *etc.* But above all, this tribe of the Indians, as well as that of Penobscot, have for a great number of years last past, by frequent and solemn treaties, willingly and joyfully put themselves under the protection of the Crown of Great Britain and the Govermt. of New England, and on these occasions have had tokens of H.M. kindness and friendship presented to them; And you may depend upon it H.M. will never quit his right and interest with respect to those Indian tribes, but insist

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upon it to the last, *etc.* I suppose Mr. Ralle, who has been the great incendiary in all this affair has acquainted you with his narrow escape; he will do well to take warning by it, and return to his own countrey, or at least to Canada, and no longer abuse his profession by stirring up the Indians of this countrey to acts of hostility, which if continued in, will finally end in their ruin, *etc.* *Signed*, Saml. Shute. *Copy. Attested*, J. Willard, Secry.

805. v. *Same to Same.* Boston, April 23, 1722. Since finishing *preceding*, I have the honour to receive one of yours dated at Quebec 22nd Dec. *etc.*, to which I shall endeavour to give a perticular answer. As to the Order of the Regent of France for the return of the English captives, I enclose you a faithful translation *etc.* Notwithstanding what you are pleased to say of the liberty that was given to the prisoners to return yet I am well informed there was such pains taken and arts used to dissuade them that they could not be said to act at full liberty *etc.* You are pleased to call Arowsick (where the Indians made their hostile appearance) a place of the Indians own lands; I perswade myself, if you knew the circumstances of that part of the Province, you would not be of that opinion: Arowsick is a small Island at the mouth of one of our chief Rivers, purchased by good deeds from the natives near seventy years ago, and settled with a good English village above fifty years since; Besides a patent of confirmation from the Crown of Great Britain to the purchasers; since my arrival in this Government the inhabitants of that place have sent a Burgess to represent them in the General Assembly of this Province, and yet you are pleased to call this town a place of the Indians own lands. That the Indians will deny their own deeds tho' never so solemnly ratified and justly obtained, I am very apt to believe, but in the mean time that does not destroy the title to such lands; neither can I be of your opinion, as to their treaties, that they are null, because the body of their Nation shall please afterwards to disavow it; I am sure it is otherwise by the Law of Nations and usage of all civillized Governments in the world; all treaties, stipulations and transactions that are managed and concluded by plenipotentiaries or delegates being obligatory to the Nation or Government that imploy them; Now it is notorious, that at all times when this Governmt. accepted the submission of, or treated with those Eastern Indians, their Delegates, or some of their chiefs were present, and

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produced their powers or credentials from the tribe ; and it is very wrong and unjust in them to insinuate that they were ever menaced or forced into any of their deeds, treaties, or submissions. They have also misinformed you in saying, that I had appointed to meet them the last year ; for on the contrary I sent them word by an express, that some of the principal Gentlemen of this Government would see and treat with them at Arowsiek, who accordingly went thither, but finding no Indians returned. As to their insolent letter, I shall say no more of it in this, having taken particular notice of it in my other. I am obliged to you for your grave advice against a war with those salvages, and am very sensible of the hazards, mischiefs, and expence of it, and I assure you, I have no design at present to enter into a war with them, unless they force the Government upon it. All that I design at present, and which I am firmly resolved in is, to defend and protect the English inhabitants of this Governmt. in their just rights and possessions from the injuries and insults of the Indians, and I hope for the Divine assistance and blessing in so doing, having my Great Master's possitive orders to maintain all the English garrisons and settlements in those parts of the Province. You are pleased to say that the Abanakis Nation are under the protection of the Crown of France ; If you intend the Indians at Norridgewack, it is the first time I have heard the French pretend any such thing, much less can I conceive upon what foundation it subsists. If they chuse the allyance and protection of the French, in God's name, let them move into the confines of the Government of Canada ; I am very sure the place of their residence at present, vizt., Norridgewack is within the territory of Great Britain, and accordingly they have actually by many solemn treaties upon record in this Government, put themselves under H.M. protection, and received marks of his Royal favour ; As you may depend upon it, I shall never concern my self with any of the Indian tribes that live within the bounds of Canada, or any French Government ; so I expect to be treated on your part. You are very particular in your account of Monsr. Bellisle, who it seems was not with the Indians ; But then you are very silent as to Monsr. Croissel, who was a French Officer and under your command, and yet at the head of the Indians at Arowsiek. This even by your own letter was not agreeable to the Treaty of Peace and Friendship between the two Crowns. As to Monsr. Casteen,

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before the receiving of your letter, I had by the consent of the General Assembly of this Province, given orders for his discharge and return; But then it was upon his humble submission and parole of good behaviour for the future towards this Government, as to himself personally, so also very much with respect to the Indian tribe at Penobscot; and tho' you seem to be of opinion, that the sending for him was so very wrong and unjustifiable; yet he himself was sensible of the contrary, and has acknowledged by a memorial under his hand, that by his appearance with the Indians at Arowsick he had given just occasion to this Government. to call him to an account. As to Mons. Ralle's Mission among the Indians, I shall be glad, if by his preaching he has brought those poor salvages any thing nearer to the Kingdom of Heaven, than they were before he went thither; But that which I have to say to him, and to you upon his account is, that Norridgewack the seat of his Mission, is within the territory of H.M. King George, and that it is contrary to an Act of Parliament of Great Britain, and a Law of this Province for a Jesuit or Romish priest to preach or even reside in any part of the British Dominions *etc.* I shall be very glad to live in perfect peace with our Eastern Indians *etc.* I must intreat you to use all your interest and influence for the same good purpose *etc.* *Signed, Samll. Shute. Copy. 5½ pp.*

805. vi. Governor M. de Vaudreuil to Father Rallé. Sept. 25 (N.S.) 1721. A translation of letter given C.S.P. March 13, 1722, No. i. 2 pp.
805. vii. M. Bagon, Intendant of Canada, to Father Rallé. Translation of letter given C.S.P., March 13, 1722. No. ii. 3¾ pp.
805. viii. Governor M. de Vaudreuil to Governor Shute. Quebec, Oct. 28th (N.S.), 1723. I know not what you now think of the war with the Abanakeys which you have drawn upon yourselves, in taking and possessing (against all right) their land; you may see that it is not so easy a thing as you thought at first to reduce those Indians, I can likewise assure you, that you will find more difficulty in the pursuit than ever, for that besides their resolution of defending their country as long as any of them remains and not to hearken to any accommodation until you entirely abandon all their rivers, and that things be set on the same foot, as they were before the Treaty of Utrecht, all the Indians of other Nations to whom they have reported the evil treatment which they have received from you, have taken up the hatchet, for their help

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or succour, and are ready to strike the blow on all sides, to revenge the Abanakeys their countreys and friends, and to deliver them from the yoke and oppression which you would reduce them unto; have they not in effect reason, what new right have you acquired upon the Abanakeys and their lands; I know not of any; the Treaty of Utrecht do's conceed to you L'Accadie, conformable to it's ancient limits; the lands of the Abanakeys are they comprehended? if so, wherefore do's the same Treaty add in the 15th Article that there shall be named on each part Commissioners for the regulation of the limits between the two Crowns, and to determine the Indians that are subjects or friends to either one or the other. *etc.* You have in fact put yourselves in possession of these lands which you did me the honour to write that the Indian inhabitants were subjects and rebels, notwithstanding you ought not to be ignorant of the strict allyance that has been at all times between us. I leave it to you to judge, Sir, whether you or I do most conform to the said Treaty *etc.* In divers letters I represented the unhappy consequences that must infallibly follow the evil treatment you have used in regard to the Indians our Allies, for which I esteem you responsible *etc.* I cannot sooner or later hinder myself from engaging in their quarrel; were it not better, Sir, in the mean time until Commissioners be named for this purpose, as is expressed in the Treaty of Utrecht, to let the Indians enjoy peaceably their land in which they have always been in possession *etc.* Signed, Vaudreuil. Translation. Copy, examined pr. J. Willard, Seery. 3 pp.

805. ix. John Schuyler to Samuel Partridge at Hatfield. Albany, 6th Dec., 1723. *Encloses following. Continues:* My son Philip Schuyler, who resides in Canada, writes me that it was very grievous unto him to see the French make so much of the Indians at their return from their onsett at Northfield. But yet was it harder unto him to see a scalp brought in and a prisoner, I believe Mr. Dickinson's son. I shall animate him to endeavour the release of so many prisoners as possibly he can. I have since again understood of the Indians that they have been 15 months ago, desired to go agt. your Government, but they are sorry for the same, and say will never do it again. The Cagnowagoes have received 15 guns and the Rundackses and Seawinadies 6. I have myself seen one of their guns each Indian has also had one pound powder and 20 balls and shot and a knife and

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provision etc. *Signed, John Schuyler. Copy. 1½ pp. Enclosed,*

805. x. *Same to Same.* Albany, 28th Nov., 1723. I have yours of 19th instant. The two Indians that have been with the belt of wampam to Cagnowago, are come again, they found the Cagnowago Indians were gone to your parts, but the Sachems said they went agt. their will, and said they had no war agt. New England, but would live peaceably with the English, their young people having been deluded as vizt.—Three Cagnowago Indians who have been at Northfield arrived here yesterday, Saguanogras and Cahowasso two chief Captains and his brother in law, they tell me they had no design to do any harm, but Governour Vaudreuil perswaded them, and gave them powder and shot and ten guns, but they are very sorry and ashamed that they have gone; and say that they will never go again. All the Indians who have been upwards of 300 are come back again, except five Eastern Indians who returned back to your frontiers. I hope they may do no harm, the Cagnowagos have sent seven hands wampum, that they will come in the spring to hear further about their friendship. They Grey lock has killed the Minister, and the four brothers of which two are alive, and two scalpt, the youngest is given to the Cagnowagoes. I shall endeavour the interest of New England as much as lyes in my power. Pray let me know how these two French Gentlemen proceed at Boston. I agreed with bearer hereof for 30/- which I hope you will see paid etc. *Signed, John Schuyler. Copy. 1½ pp.*

805. xi. Translation of notice “found upon the Church door at Norridgewack and in the handwriting of Father Rallé the Jesuit.” Englishmen! I that am of Norridgewack have had thoughts that thou wilt come and burn our Church and our Fathers house to revenge thyself without cause for the houses that I have burnt of thine. It was thou that didst force me to it, why didst thou build them upon my land without my consent. I have not yet burnt any, but what was upon my own land; thou mayest burn it, because thou knowest, that I am not there such is thy generosity, for if I were there, assuredly thou shouldst not burn it, altho’ thou shouldest come with the number of many hundred men. It is ill built because the English don’t work well; it is not finished, altho’ five or six English men have wrought there during the space of four years, and the undertaker who is a great cheat, hath

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been paid in advance for to finish it. I tell the nevertheless, that if thou dost burn it in revenge, upon my land thou mayest depend upon it, that I will revenge my self also, and that upon thy land in such a manner as will be more sensible and more disadvantageous to thee, for one of the meeting houses or temples is of more value beyond compare than our Church. And I shall not be satisfied with burning only one or two of thine, but many *etc.* This shall certainly be done sooner or later for the war is but just beginning, and if thou wouldst know when it will have an end I tell thee it will not have an end but with the world. If thou canst not be driven out before I dye, our children and nephews will continue it till that time, without thy being able to enjoy it peaceably. This is what I say to thee, who am of Norridgewaek, in the name of all the Nation. *Nos. i.-xi endorsed, Transmitted to the Lord Carteret etc. 2 pp. [C.O. 5, 10. ff. 269-282, 283-287v., 289, 289v., 291-294, 295, 295v., 297, 297v., 299, 299v.; and (copy of Address only) 5, 752. No. 22.]*

Dec. 27. **806.** Lt. Governor Wentworth to the Council of Trade
 Provce. N. and Plantations. *Refers to letter etc. of 19th (?=20th) Aug.*
 Hampr. *Encloses accounts of Mr. Bacon, Collector, 25th June-25th Sept., 1723. Continues:* I think it my duty to give your Lordships an account of a seizure made on 14th Oct. on a ship entred out for Lisbon, ship'd all his men for sd. voyage, and the vessel near fully laden wth. several sorts of timber, and six masts in the hole and one between decks, which measured about 21 inches diameter *etc.* The ship was properly seized by an information inclosed in a letter to me; so soon as seized a return was made to George Jaffreys Esq. Deputy to Judge Minzey who is Judge of the Admiralty; and accordingly a libel was drawn. But the Deputy Judge did not see cause to hear and determine until he had advis'd with Judge Meinzey, who dwels at Boston *etc.*, who ordred a hearing on the 25th of same month. As your Lordships will see by the inclosed boath owner and master own'd to me and Mr. Collector Bacon that they had seven masts then on board. So that there was no want of proof. I think the Act of Parliament is verriy plain *etc.* But that the case should be dismissed, because the particular paragraph and clauses was not referr'd to in the libel. The Judge sets free the vessel, after the expiration of 24 hours. Mr. Collector makes a second seizure; and upon that, went to Boston for advice in order to draw a second libel *etc.* But when he came to town he was advised to let all drop, fearing the judge should at a second tryal, lay the whole charge upon him *etc.* The ship wee seized the 14th Oct. about eleven of the clock forenoon and between

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nine and ten of the clock (the same day) Mr. Pepperil, the owner, came to Mr. Wibirds, the Naval Officer, and was admitted to boond. Which I tho't was verry extraordinary. The officer offers to make oath, that he did not hear of the seizure untill after bond was given ; the owner insists that it has been the practice of this Govermt. as well the Massachusetts, for ye officer, to wink at the shiping of small masts from twenty inches and downward, so that they went under the denomination of spars, (that lyes with ye officer), and I judge was taken from that Act of Parliament of the ninth of Queen Ann, which forbids cutting any white pine, above 24 inches diameter, but the second and eighth of King George prohibits cutting any mast trees from 12 inches and downwards, which Act took place Sept., 1722 *etc.* I am told Mr. Pepperill had two journeys to Boston cost him about £200, which represents the badness of his case. I assure your Lordps. I got not a penny of the money. If this seizure has no other effect : yet it will deter others *etc.* *Encloses* "a copy of notifications, which I caused to be publish'd in every town, where there is any trees fit for masts, also a copy of the oath, I gave my Deputy, who surveys and marks, as also a rideing officer, who is a check to ye Servayers and inland myself four times this winter season to visit them. My Lords, Wee are a number of ye principle men, of this Province ; and the Government of Connecticut Coloney, that are desiriouss of setting up a new England Company for raising Naval Stores ; as hemp, pitch, tar, turpentine and of all sorts of lumber" *etc.* Wee have drawn up proposals, and about 180 signed the proposal, and wee propose to get as many or more to joyne us, in Great Brittain ; and hope your Lordships will countenance and incourage such an undertaking that is like to be so beneficial to Great Brittain. Some of us in this Province have made an attempt on iron works *etc.*, and have laid out £10,000 that way, but wee find the burden is heavier then we can well bear ; your Lordship may be assured that Navil Stores will not come to any tolerable perfection in this country but by a Company. Our numbers now increase apace ; and ye people bend themselves some to one thing some to others, not being settled to any, and in my opinion the only and surest way, to promote and advance the manufactory of Great Brittain at present and for the future is to give the minds of the people a turn by incouraging a Company for Naval Stores, weh. will divert them, in a great measure from raising there own cloathing, which the people in a few years will be obliged to do, otherwise starve unless something be done by a Compa., *etc.* *Continues* : I se but one difficulty, that lyes in the way, and that is the East country Company, who has alwayes opposed anything of this nature, and have made intrest with some under officers in the King's Yards, (formerly) that have not been so strongly atatched to the intrest of Great Brittain as they should have been to invalidate and

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lessen the goodness of such timber *etc.* as went from H.M. Plantations *etc.* About 1710 Mr. Bridger took perticular care to send over a shipload of choise timber, never better. It was landed at Dedford yard serveyed and reported, but not in favour of the Plantations *etc.* I have seen the timber of most parts of the Christian world, and the straight timber of this country is as good as the world affords, but for crooked timber Great Brittain and Ireland exceeds the whole world *etc.* The Plantations especially the Northern parts, takes of great quantities of the woolin manufactory now, but were there a Company settled upon a good foundation, where we take £1000 now, we then should take off 5 of £6000 *etc.* We intend to prepare specimens of each sort, and send them for Great Brittain with a person to wait on your Lordships *etc.* *Acknowledges* letter of 5th July. *Signed*, Jno. Wentworth. *Endorsed*, Reed. 11th Feb., Read 22nd July, 1724. 7 pp. *Enclosed*,

806. i. (a) Libel and information exhibited against the ship *Prosperous*, referred to in preceding. Oct. 15, 1723. *Signed*, Bulls Bacon. *Copy*.

(b) Proceedings of Court of Admiralty relating to same, Oct. 25. *Copy*. *The whole*, 3 pp.

806. ii. (a) Copy of Lt. Governor Wentworth's Deputation to Edward Hall to be Deputy Surveyor of H.M. Woods *etc.*, 7th Nov., 1723; and Notice forbidding cutting of woods till surveyed and licence granted by him *etc.* 7th Nov., 1723. *Signed*, Jno. Wentworth.

(b) Copy of Deputy Surveyor's Oath. *The whole*, *endorsed*, Reed. 11th Feb., 1724. 2 pp. [C.O. 5, 869. ff. 38-48v.]

Dec. 31. **807.** Mr. Willard to Mr. Popple. *Refers to* Sessional papers and Treasurer's account sent to Governor Shute, to be laid before the Board. *Signed*, Josiah Willard. *Endorsed*, Reed. 11th Feb., Read 23rd July, 1724. 1 p. [C.O. 5, 869. ff. 27, 28v.]

[?1723.] **808.** Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. [C.O. 116, 23.]

[?1723.] **809.** Petition of Daniel Smith and Elizabeth, widow of William Smith deed., sons of the late Lt. Governor of Nevis, Daniel Smith, to the King. Col. Daniel Smith in return for his services in helping to expel the French from St. Christophers, when he spent a great deal of moneys and received several wounds, was granted 109 acres of uncultivated woody lands in the French part of the Island. At a very great expence he cultivated and improved it and settled petitioners on it. But upon his death in England the last year, William Mathews prevailed with the Governor to grant the said plantation to him and possessed himself of it, on pretence that the interest

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of petitioners determined on Col. Smith's death. They came to England, to represent the matter to H.M., but William died, leaving a widow and 3 children destitute. *Pray* to be restored to their plantations *etc.* *No date, signature or endorsement.* $\frac{3}{4}$ p. [C.O. 184, 1. No. 34.]

- [1723.] **810.** Petition of John Elliot of Topsham, Devon, to the King. *Prays* to be appointed Collector at Newbury, N.E., where, there being no Collector, several goods are run *etc.* Petitioner fitted out a ship and several vessels for the fishery of Canso in 1722. The attacks and barbarities of the Indians there rendering the Fishery impracticable there, Governor Philipps, upon advice that Indians were cruizing upon the Banks with the vessels they had got possession off, invited volunteers to man two sloops to go against them. Petitioner received enclosed Commission, and, in command of a sloop with 26 hands, on 29th July, 1722, engaged for several hours an Indian King who commanded 7 sloops and schooners. These he took, killed the King and saved the lives of 18 prisoners who were designed by the Indians to be that day murdered as were 9 the night before. Petitioner received 9 shott in his body *etc.* $1\frac{1}{4}$ pp. *Enclosed,*

810. i. Governor Philipps' Commission to command a sloop against the Indians *as in preceding.* 25th July, 1722. *Signed,* R. Philips. *Copy.* 1 p. [C.O. 5, 752. Nos. 19, 19. i.]

- [1723.] **811.** The case of Mr. Spooner with regard to a grant of lands formerly belonging to Mr. Salanave in St. Christophers to Mr. Cunningham acting for Mrs. Salanave (*v.* 13th May, 1715). The patent wrongfully included lands belonging to Mr. Brisac and inherited from him by Spooner in 1720 *etc.* The Attorney General awaits Mr. Cunningham's proof that the lands granted were Mrs. Salanave's, which he has undertaken to produce. $2\frac{3}{4}$ large pp. [C.O. 152, 42. No. 117.]

- [1723.] **812.** List and abstracts of financial Acts of New York, 1691-1723. *Of later date.* [?By Mr. Delafaye.] 8 pp. [C.O. 5, 1085. No. 43.]

- [1723.] **813.** List of Acts of New York, 1667-1723., "that are not in the printed book." *Of later date.* 21 pp. [C.O. 5, 1085. No. 44.]

- [1723.] **814.** Extract from H.M. Instructions to Governor Burnet relating to passing of Acts, salary *etc.* $6\frac{1}{2}$ pp. [C.O. 5, 1092. No. 25]

- [1723.] **815.** Extract from Governor the Duke of Portland's Instructions relating to passing of Acts and Governor's Salary *etc.* 5 pp. [C.O. 137, 52. ff. 25-28.]

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[?1723.] **816.** Memorandum of reasons offered why Governors of the Leeward Islands should be allowed to accept presents from the Assembly. *Without date or signature.* 2½ pp. [C.O. 152, 42. No. 151.]

[?1723.] **817.** Memorial of Henry White, of Providence Island, to Lord Townshend. In behalf of himself and the inhabitants of Catt Island and Isle Elutheira. In June last a Spanish periago with two sloops plundered all the inhabitants of Catt Island and carried off two of them prisoners whom they cutt and used inhumanly. Soon after they made an attempt to land on Isle Elutheira but were repuls'd by the inhabitants, which obliged Governor Phenney to fitt out a sloop well armed to assist them *etc.* Some time ago a Spanish periago took a sloop belonging to Providence that was rakeing salt at Exuma after they had plundered her run her ashore wounded two of the men and then left her. White being Master of the *Duck* sloop of Providence declares that on a voyage from Jamaica to Providence about six months ago, two French men came aboard of him in a cannoo and desired to go with him to Providence, but he durst not trust them, fearing them to be pirates, they having declared to him and his men that a Spanish sloop fitted out of Baracoa on Cuba, on board of which was one Brown, an English renegado, had taken near Hispaniola an English ship with about 300 slaves bound from Guiny to Jamaica, after they had turned the master and most of his men adrift in a small vessell they carried said ship and negroes into Baracoa, where setting up an Englishman as a pretended master of the said ship (altho' only a common sayler on board, promissing him a share of the prize) the said ship and cargo was upon his evidence condemned and sold by the Aleadee of Baracoa. *Signed, Hen. White.* 1 p. [C.O. 23, 12. No. 84.]

[1723.] **818.** Commission and Instructions from the Lords Proprietors to John Dunstan to be Naval Officer in N. Carolina. *St. James's.* [C.O. 5, 290. pp. 186-190.]

[?1723.] **819.** Memorial of Governor Hart to the Duke of Newcastle, Wavel Smith, under his patent as Secretary and Clerk of the Crown for the Leeward Islands, has claimed several other offices therein not particularly granted, Register of the Court of Chancery, Clerk to the Ordinary, and Register of the Court of Admiralty in the several islands. Petitioner believes them to be independent offices in the Governor's appointment, but has granted Smith a commission to enjoy the Office of Register in Chancery for Antego and the other offices he so insisted on until H.M. pleasure be known *etc.* *Prays for H.M. instructions.* 1 p. *Without date or endorsement.* 1 p. [C.O. 152, 40. No. 8.]

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820. Account of the Duke of Montagu's intended settlement at Sta. Lucia; and of his being repulsed from thence by the French. H.M. by his letters patents, 20th June, 1722, having granted to the Duke the propriety and Government of the Islands of Sta. Lucia and St. Vincent, and ordered H.M.S. *Winchelsea* to be stationed and attend on the said island, *etc.*, orders were given also for three others of H.M. ships of war, *Feversham*, *Hector* and *Lynn*, then stationed at Barbados and the Leeward Islands to assist in protecting the settlement of the said Island. The Duke thereupon provided several ships and officers, and hired a great number of servants consisting of all sorts of tradesmen, as well as labourers, furnished with great quantities of provisions, apparel and all manner of material for fortifying as well as cultivating Sta. Lucia. Before the said ships sailed out of the River of Thames (except the *Elisabeth*, who was then sailed for St. Christophers, loaded with stores) a memorial was presented by the French Minister to H.M., setting forth the right which the King of France pretended to the said Islands. Upon consideration of the said memorial in a Committee of Council it was resolved, that the said Duke's Colony should proceed forthwith to take possession of the said Islands, and that Mr. Pulteney should be sent to France to assert H.M. right and title to the same. Thereupon the said Duke hastened ye departure of his said ships *vizt.*, the *Charles* and *Freemason*, the *Little George* and *Griffin* sloop (the *Adventure* and *Hopewell* not then having on board their complement of servants were ordered to joyn them at Barbados) to Portsmouth, where they joyned H.M.S. *Winchelsea*, sailed from thence the first fair wind, and arrived at Barbados 7th Dec., 1722, and at Sta. Lucia 17th, and took possession thereof *etc.* Five days after, a letter or summons was sent by Monsr. de Feuquiere to the Duke's Deputy Governor, Captn. Nathl. Uring, requiring him and the people with him to quit the said Island in 14 days from the time of their arrival *etc.* Upon receipt of his answer by letter, the French General immediately embarked people at Martinico and other the islands under his Government, and in a few days landed to the number of 2000 men on Sta. Lucia; notwithstanding the *Winchelsea* was then joyn'd by two other of H.M. ships, the *Feversham* and *Hector*, at the said Island. Whereupon the said Duke's Dep. Govr. and people not meeting with the encouragement they expected from H.M. ships, and ye remainder of the sd. Duke's ships not being then arrived, conceived themselves under a necessity to enter into certain Articles of capitulation or evacuation. In pursuance of such Articles the Depty. Govr. re-embarked his people 15th Jan., and the next day sailed to St. Christophers, at which time he dispatched a sloop under convoy of H.M.S. *Winchelsea*, with Instructions to John Braithwait to proceed to the Island of St. Vincent, to endeavour a settlement there, if possible. About the middle of February

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following the remainder of the Duke's ships, vizt. the *Adventure* and *Hopewell*, and also the *Leopard* from Boston in New England, arrived at Barbados, from whence they sailed to the harbour of Petit Caranash of Sta. Lucia, to perform their respective Charter parties; which done they pursued the other of the sd. Duke's ships to St. Christophers. *No date, signature or endorsement* [*? a Board of Trade copy*]. 3 pp. [C.O. 253, 1. No. 30.]

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821. Petition of John Duke of Montagu to the King. The expedition sent to Sta. Lucia and St. Vincent was obliged to retire to St. Christophers (*v. preceding*) where they have been upwards of four months and do still remain at the great charge of petitioner *etc.* *Prays that*, as the public would have received the benefit from the intended settlement undertaken at his sole charge, that satisfaction may be made to him for his great expense by H.M. grant to him "of some part of the lands formerly belonging to the French in St. Christophers, whereby he may provide for the people engaged by him" by settling them thereon *etc.* Otherwise those 500 persons must become a burthen to him to provide for, *etc.* *Without date or endorsement.* 1 large p. [C.O. 253, 1. No. 29.]

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822. Proceedings of Courts of Chancery, Escheats and Grand Sessions, Barbados. [C.O. 33, 27.]

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823. Note of income of Governor Worsley. £2000 paid at home, £6000 paid in Barbados; £2000 the computed profits of Government = £10,000 sterl. $\frac{1}{4}$ p. [C.O. 28, 39. No. 10.]

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